

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
AMENDING THE PLANS FOR SERVICES FOR THE CARMEL-REA ROAD
AREA.

WHEREAS, the City Council had previously approved the report of plans for services for the Carmel-Rea Road Area on February 25, 1980; and

WHEREAS, subsequent to the Council's approval of said report, the Town of Pineville annexed a small portion of the area under consideration by the City thereby necessitating the need to amend the metes and bounds description contained in the report.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that it hereby amends the report of the plans for services previously adopted for the Carmel-Rea Road Area by deleting pages 3 and 4 of the metes and bounds description contained in the report of plans for services, and substituting in lieu thereof new pages 3 and 4, attached hereto and made a part of this resolution.

This 24th day of March, 1980.

Approved as to form:


City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of March, 1980, the reference having been made in Minute Book 73, page _____, and recorded in full in Resolutions Book 15, page s 295-297.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of March, 1980.

Ruth Armstrong, City Clerk

easterly direction following along the rear boundary line of lots 5 through 1 in Block 13, crossing Treebark Drive (Dead End) and following along the rear boundary line of Lots 14 through 2 in Block 10 as shown on recorded Map Book 18, page 225 as having a bearing and distance as follows: N. 25-58 E., 1550.95 feet; N. 44-22 E., 201.22 feet; thence in a southeasterly direction following along a portion of the easterly boundary line of lot 2 in Block 10 as shown on said recorded Map Book 18, page 225 as having a bearing and distance of S. 32-30 E., 60.0 feet to a point, said point being the northwesterly rear corner of lot 1 in Block 10 as shown on recorded Map Book 18, page 126; thence in a northeasterly direction following along the northerly boundary line of lot 1 in Block 10 as shown on said recorded Map Book 18, page 126 as having a bearing of N. 60-56-20 E. approximately 144 feet to a point, said point being located 40.0 feet west of and normal to the centerline of Park Road (S.R. 3687); thence in a northerly direction following along a line 40.0 feet west of and parallel with the centerline of Park Road (S.R. 3687) approximately 1444 feet to a point where the southerly boundary line of lot as described in Deed Book 3692, page 816 (if extended) intersects with the said parallel line 40 feet west of the centerline of Park Road (S.R. 3687), said point being located 40 feet west of and normal to the centerline of Park Road (S.R. 3687); thence in a southeasterly direction, crossing Park Road (S.R. 3687) and following along the southerly boundary line of lot as described in said Deed Book 3692, page 816 as having a bearing of S. 81-07-10 E. a total distance of approximately 369 feet to a point; thence

with the easterly boundary line of lot as described in said Deed Book 3692, page 816 as having a bearing of N. 14-21-10 E. approximately 270 feet, crossing N.C. Highway 51 to a point, said point being located 10 feet north of and normal to the northerly right of way margin of N.C. Highway 51; thence in an easterly direction following along a line 10 feet north of and parallel with the northerly right of way margin of N.C. Highway 51 approximately 3693 feet to a point in the centerline of McMullen Creek, said point being located 10.0 feet north of and normal to the northerly right of way margin of N.C. Highway 51; thence in a northeasterly direction following along the centerline of McMullen Creek and the northerly boundary line of lot as shown on recorded Map Book 17, page 291 as having a bearing and distance as follows: N. 59-30-00 E. approximately 484 feet; N. 55-35-30 E. 650.27 feet; N. 46-30-00 E. approximately 90 feet to a point in the westerly right of way margin of Johnston Road (S.R. 3655); thence continuing in a northeasterly direction, crossing Johnston Road (S.R. 3655) and following along the centerline of McMullen Creek approximately 4124 feet to a point in the present city limit line, said point being the southwesterly rear corner of lot 7 in Block "D" as shown on recorded Map Book 7, page 5.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
 AMENDING THE PLANS FOR SERVICES FOR THE COULWOOD AREA.

WHEREAS, the City Council had previously approved the report of plans for services for the Coulwood Area on February 25, 1980; and

WHEREAS, the Planning Commission staff had previously determined that the Coulwood Area met the general standards required by G.S. 160A-48 (b) and G.S. 160A-48 (c)(1) so that the area might be considered for annexation; and

WHEREAS, the Planning Commission staff has now determined that the Coulwood Area also meets the requirements of G.S. 160A-48 (c)(2), and it is therefore desirable that the report of plans for services be amended to reflect that the Coulwood Area meets the aforementioned statutory criteria.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that it hereby amends the report of plans for services previously adopted for the Coulwood Area in the following manner:

1. By inserting a new page 7a into the report, said page being attached hereto and incorporated herein by reference.
2. By inserting a new page 24a into the report, said page being attached hereto and incorporated herein by reference.

This the 24th day of March, 1980.

Approved as to form:

Henry W. Underhill, Jr.
 City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of March, 1980, the reference having been made in Minute Book 73, page , and recorded in full in Resolutions Book 15, page s 298-300.

WITNESS my hand and the corporate seal of the City of Charlotte,
North Carolina, this the 27th day of March, 1980.

Ruth Armstrong, City Clerk

-7a-

C. The entire area proposed to be annexed also meets the requirement of G.S. 160A-48 (c)(2) as follows:

- (1) The area qualifies for annexation under the standards of at least one person for each acre of land and is subdivided in a manner that conforms with the requirements of G.S. 160A-48 (c)(2). There are a total number of 1,027 lots and tracts within the area and of that number, there are 837 lots and tracts of one acre or less which equals 81.5% of the total. Furthermore, there are a total of 1,161.5 acres in the proposed area and of that number, 771.6 acres consist of lots and tracts of 5 acres or less in size which represents 66.4% of the total acreage. Finally, in accordance with the provisions of G.S. 160A-54 (1), the proposed area has an estimated total population of 2.09 persons per acre.

COULWOOD AREA IN TERMS OF STATUTORY REQUIREMENTS -
(STATISTICS COMPILED FROM JUNE - SEPTEMBER, 1979)

<u>STATUTORY REQUIREMENT</u>	<u>MEASURED OR CALCULATED</u>	<u>STATUTORY STANDARD</u>
I. At least one-eighth (1/8) of the total boundary of the area must coincide with the municipal boundary		
A. Total boundary	58,327 ft.	
B. Boundary contiguous with municipal boundary	12,119 ft.	
C. Proportion of total boundary contiguous with the municipal boundary	20.8%	(1/8 or 12.5%)
II. Qualifying Criteria		
A. Has a total resident population equal to at least one person for each acre of land included within its boundaries, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage consists of lots and tracts five acres or less in size and such that at least sixty percent (60%) of the total number of lots and tracts are one acre or less in size		
1. Total number of lots one acre or less	837	
2. Total number of lots and tracts	1,027	
3. Lots one acre or less as a proportion of total number of lots and tracts	81.5%	(60%)
4. Area in lots five acres or less	771.6 acres	
5. Total area	1161.5 acres	
6. Area in lots five acres or less as a proportion of the total area	66.4%	(60%)
7. Population per acre	(2.09)	(1.00)

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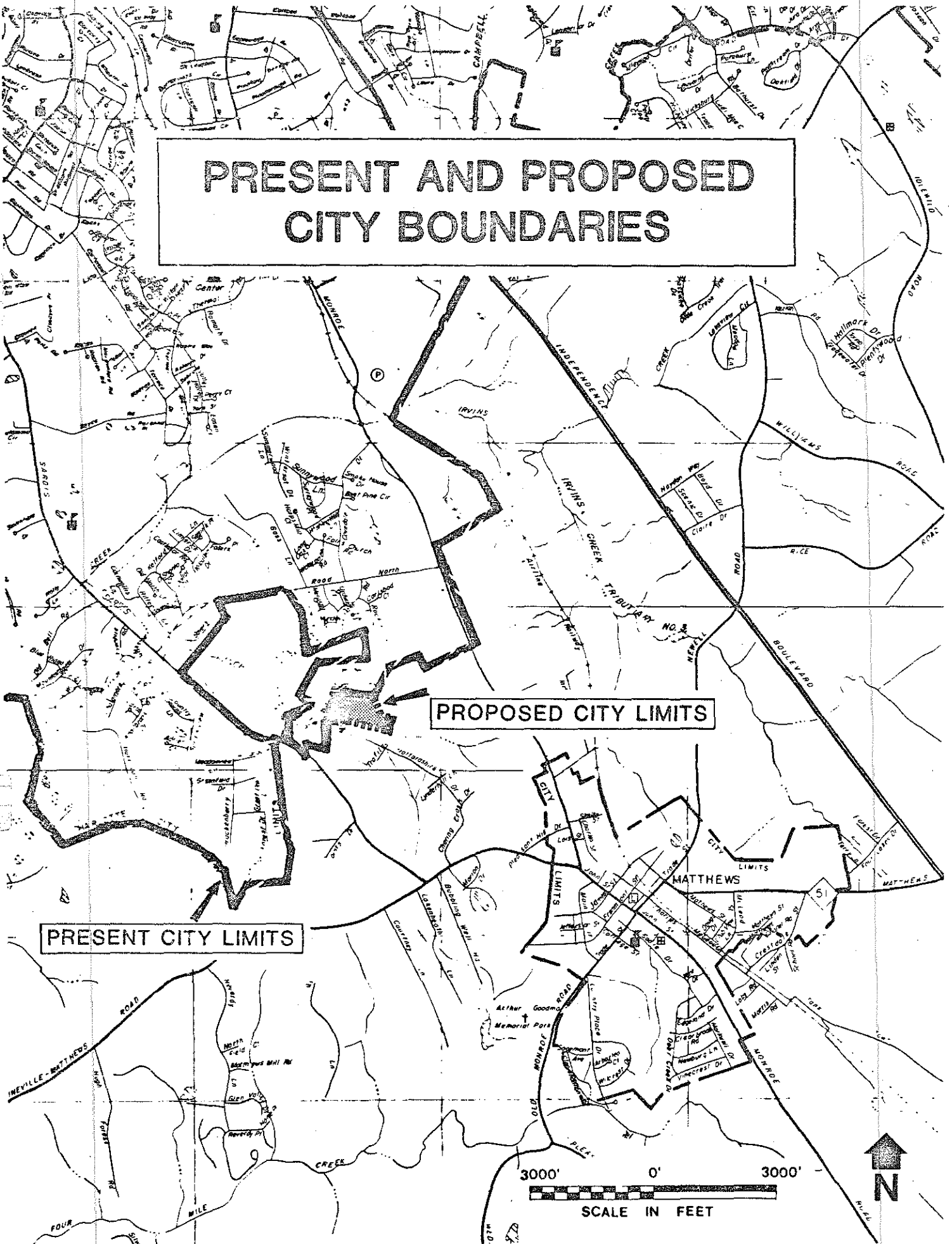
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PRESENT AND PROPOSED CITY BOUNDARIES

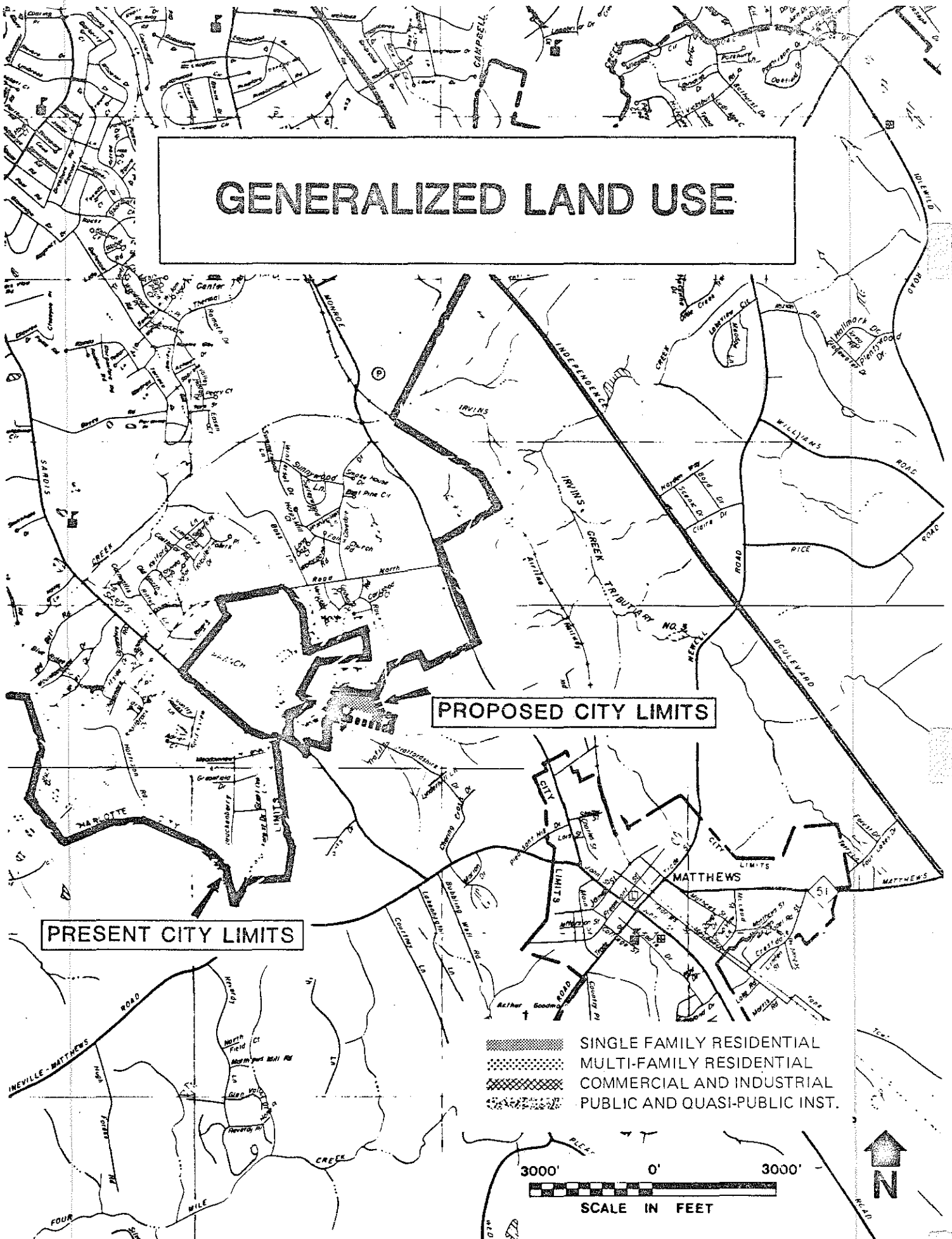


PROPOSED CITY LIMITS

PRESENT CITY LIMITS

3000' 0' 3000'
SCALE IN FEET





PART I. GENERAL DESCRIPTION OF THE AREA

This area is located along the southeasterly segment of the City and includes a section which is a part of the Sardis Forest subdivision. The area is entirely residential and contains 43 dwelling units which account for 140 people resulting in a density of 4.18 people per gross acre.

PART II. STATEMENT SHOWING THAT THE AREA PROPOSED TO BE ANNEXED MEET THE LEGISLATIVE STANDARD PRESCRIBED BY G. S. 160A-48.

A. The area proposed to be annexed meets the general standards of G. S. 160A-48.(b) as follows:

- (1) The area is contiguous as defined in G. S. 160A-53., to the City's boundary as of the time of the beginning of this annexation proceeding.
- (2) The aggregate boundary of the area is 5,682 feet (1.1 miles) of which 1,964 feet (.37 miles) or more than thirty-four percent (34.6%) coincides with the present city boundary.
- (3) No part of the area is included within the boundary of another incorporated municipality.

B. The entire area proposed to be annexed meets the requirements of G. S. 160A-48.(c)(1) as follows:

- (1) The area qualifies for annexation under the standard of two persons for each acre of land as set forth in G. S. 160A-48.(c)(1). The area has an estimated total population of 4.18 persons per acre. This estimate is made in accordance with G. S. 160A-54.(1). There are 43 dwelling units in the area which when multiplied by the average household size (according to the latest federal decennial census) results in an estimated total resident population of 140. This when divided by the total number of acres (33.5) results in a density of 4.18 people per acre.

PART III. THE PLANS OF THE CITY OF CHARLOTTE TO EXTEND MUNICIPAL SERVICES TO THE SARDIS ROAD ANNEXATION AREA.

All of the municipal services of the City of Charlotte will be extended to the area proposed for annexation immediately upon the effective date of annexation on substantially the same basis and in the same manner as provided in the City except for water, sewer and fire protection services which will be provided in compliance with G. S. 160A-47.(3). The City shall provide said services as described in the following statements:

GENERAL GOVERNMENT

The government, general management and control of all affairs of the City of Charlotte are vested in a City Council with eleven (11) members and a Mayor elected biennially by and from qualified voters. The membership of City Council includes four members elected at large by all voters and seven members elected from districts. District Council members must reside in their representative areas. They hold office for terms of two years each. The Council/Manager form of government was adopted by the Electorate of the citizens in 1929.

The City Manager, appointed by the City Council serves at their pleasure as administrative head of the City, leaving to the Mayor and the Council the function of political leadership. The Manager carries out the laws enacted by the City Council and executes their wishes through the operations of the City's various departments, the heads of which report directly to him. He prepares and submits tentative annual budgets to the Council and keeps them advised of the City's financial condition and needs.

The weekly meetings of the City Council are open to the public and consideration is given citizens who present problems and recommendations.

POLICE PROTECTION

The City of Charlotte has a well-trained, efficient Police Department whose function is the protection of life and property. Police protection is provided on a continuous 24 hour a day basis and is ready for immediate response to calls for protection service. The department performs a variety of services ranging from traffic control to crime investigation and uses the most modern police equipment available.

Many police services and divisions such as: central services, crime prevention, record-keeping, youth section, vice section and helicopter service are already being executed throughout the annexation area under the City-County consolidation of services program. Additional personnel and equipment required to provide police protection to this area will be secured prior to the effective date of annexation. Service will commence on the effective date.

In order to provide police protection on substantially the same basis and in the same manner as provided in the City, approximately \$16,900 of general revenues will be appropriated in the annual budget to reflect the additional cost of services to this area. They do not anticipate any new capital improvements as a result of this annexation. The degree of service and the number of new officers and the amount of equipment needed to provide adequate protection is based on the adjacent areas currently inside the city limits.

FIRE PROTECTION

The Fire Department provides the residents of Charlotte with a high level of fire protection and fire suppression services, and maintains standards consistent with the recommended requirements of the Insurance Services Office. The City enjoys an insurance rating of 3, which is most advantageous. Protection is afforded by 654 full-time employees operating 27 engine companies, 2 air crash companies, 8 aerial companies, 1 rescue truck, 6 tankers, and assorted other apparatus and equipment. The department's equipment is housed in 23 strategically located fire stations. Between July 1, 1979 and November 30, 1979, the department's average response time was 3.33 minutes. The average company manning was 3.6 men.

A commensurate level of fire protection will be provided from existing facilities and

personnel located at Station 19 (1016 Sardis Lane) and Station 3 (6512 Monroe Road). Service will commence on the effective date.

BUILDING INSPECTION

The duties of the Building Inspection Department include the enforcement of the City's codes of minimum standards for the construction, improvement and alteration of structures in the City. In addition, this department is responsible for the administration of the Housing and Zoning Codes of the City. Some other activities of this department which will be affected by this annexation are: plumbing, electrical, mechanical and housing inspections.

No additional personnel or equipment will be required in order to provide this service to the area. Service will commence on the effective date.

TRANSIT

Charlotte Transit System currently provides regular bus services to approximately 85% of those persons living in the Charlotte Urbanized Area as defined by the U. S. Census of Population and Housing in 1970. The System also provides travel access to approximately 63% of employers with over 100 persons employed within the Charlotte Urbanized Areas as defined by the U. S. Census of Population and Housing 1970.

The City is authorized to extend transit service beyond its boundaries and has done so. Transit service is currently available for extension to annexed areas on substantially the same basis as transit service is provided to areas within existing City limits. Any future modifications of transit service will consider all areas proposed for annexation on the same basis and in the same manner as areas within existing City limits.

Bus service currently operating closest to the Sardis Road area is Route 65X Sardis Express. This bus travels outbound along Sardis Road, turning east on Highway 51 and travelling along John Street.

TRAFFIC ENGINEERING

In addition to its general responsibility of developing and maintaining safe and efficient means of moving vehicular traffic on the streets and highways of Charlotte, the Traffic Engineering Department is responsible for the installation and maintenance of all street lights, barricades for dead-end streets, street markers and traffic control signs and signals in the City.

In order to provide Traffic Engineering Services on substantially the same basis and in the same manner as provided in the City, approximately \$3,500 of general revenues will be appropriated in the annual budget to reflect the additional cost of services to this area. Additional personnel and equipment required to provide this service to the area will be secured prior to the effective date of annexation. Services will commence on the effective date. This figure includes funds for the initial purchase and installation of traffic signals. No attempt was made to estimate the location and number of traffic lights at this time. This would be done once the area is annexed and after careful study and analysis is made of various intersections.

ENGINEERING DEPARTMENT

The Department of Engineering is responsible for engineering, and real estate services for other city departments.

Engineering Division:

The general objective of the Engineering Division is to plan, design, and control construction of new capital improvements to meet community needs, develop programs which provide for maintaining existing public facilities such as streets, sidewalks, bridges, curbs, gutters and drainage facilities, and provide advice to the general public on engineering problems. No additional personnel or equipment will be required to provide this service to the area. Service will commence on the effective date.

Real Estate Division:

The Engineering Department includes a Real Estate Division responsible for the purchase of property required for the construction of public facilities, and disposal of property when it is no longer needed by the City. No additional personnel will be required to provide this service to the area. Service will commence on the effective date.

OPERATIONS DEPARTMENT

The Operations Department is responsible for rendering such diverse services as street maintenance, animal control, landscaping, refuse collection and disposal, etc.

Street Maintenance Division:

The general objective of the Street Maintenance Division is to provide for the safe and efficient movement of vehicles and pedestrians through maintenance, repair, construction and reconstruction of all facilities located within City street right-of-way. The current street maintenance policy states that the City of Charlotte is responsible for the general maintenance of all streets provided they are constructed in accordance with established City standards. In addition the City will accept for maintenance those streets which are at the time of annexation, being maintained by the State Highway Commission, except for those streets

which will form a part of the permanent State Highway system. Maintenance service will include patching holes in the pavement, repairing roadway shoulders, cleaning and repairing storm water inlets and drains within the right-of-way and other services.

The individual property owner is responsible for the following:

(1) Maintenance of any property or driveway between the property line and the curb and edge of the paved street.

(2) The provision of adequate drainage facilities so that his property will be free from standing water and will permit the natural flow to be taken care of, and, in case of failure, the property owner shall bear the cost of facilities installed to alleviate the situation.

(3) The adequate maintenance and repair of adjoining sidewalk. Upon request of property owner, the City will repair or replace sidewalk with the cost of all materials necessary for the work to be borne by the property owner.

No additional personnel or equipment will be required to provide this service to the area. Service will commence on the effective date.

Animal Control Division:

The Animal Control Division is responsible for the administration and enforcement of State and local regulations governing licensing and rabies control activities for domestic animals in the City of Charlotte. The division maintains a pet shelter and employs field wardens who pick up stray dogs, answer complaints and issues citations against dog owners who fail to license, inoculate or leash dogs. The Animal Control Division also conducts inoculation clinics throughout the City. No additional personnel or equipment will be required in order to provide this service to the area. Service will commence on the effective date.

Landscaping Division:

The general objective of the Landscaping Division is to improve the physical appearance of the City through the design, construction and maintenance of urban beautification projects, which includes routine right of way mowing. No additional personnel and equipment will be required in order to provide this service to the area. Services will commence on the effective date.

Community Improvement:

The general objective of the Community Improvement Division is to improve the physical appearance of the City through programs which result in the removal of litter, abandoned automobiles, trash, weeds, and other unsightly material from public and private property. No additional personnel and equipment will be required in order to provide this service to the area. Services will commence on the effective date.

Sanitation Division:

The Sanitation Division of the Operations Department is responsible for providing the following services:

Residential Collection

The Residential Collection Section of the Sanitation Division is responsible for providing twice weekly backyard refuse collection, once weekly curbside trash collection to existing residences and three times a week service to the Central Business District. This section is also responsible for collection of small dead animals.

Commercial Collection

The Commercial Collection Section of the Sanitation Division is responsible for servicing approved bulk containers throughout the City. The Central Business District receives service three times weekly with other areas of the City receiving service twice weekly.

Street Cleaning

The general objective of Street Cleaning is to protect the environment and insure citizens health by periodically sweeping and flushing all permanently paved streets in the City.

Leaf Collection

The Leaf Collection Section of the Sanitation Division is responsible for the collection of leaves from the curb for a twelve (12) week period beginning the latter part of October of each year. Note that leaf crews do not require fulltime employees.

Trash Collection (Bulky Items Service)

The general objective is to protect the environment through the special collection of items not handled by the regular residential and commercial collection program. This special collection service is on a scheduled basis and removes bulky items such as refrigerators, stoves, etc. from the curb.

No additional personnel or equipment will be required to provide these services to the area. Service will commence on the effective date.

GENERAL SERVICES DEPARTMENT

The General Services Department is responsible for the maintenance and operation of all City motorized equipment, radio and communication equipment and building with the exception of police, fire and airport equipment. General Services Department's budget is totally offset by charges to City departments for work performed. These charges have been included elsewhere in this report.

RECREATIONAL AND CULTURAL FACILITIES

The Charlotte Park and Recreation Commission develops, operates and maintains an excellent system of parks and other recreational facilities. These facilities include: parks and playgrounds, community centers, baseball fields, softball fields, little league baseball fields, picnic areas, swimming pools, skating rinks and skating areas, tennis courts, wading pools, Park Center Arena and Memorial Stadium.

The Park and Recreation Commission is carrying out a continuous program of expansion of its facilities to meet the pressure of the City's growing population and growing demand for recreational facilities. Present park and recreation facilities of the City are already available and utilized by the residents of the annexation area.

PERSONNEL DEPARTMENT

The Personnel Department is responsible for the establishment of personnel standards, procedures and regulations for all City employees. The department participates in recruitment placement in-service training, position classification, compensation and retirement counseling. The Department will bear the responsibility in recruiting qualified employees to provide expanded departmental services to the annexation areas.

No additional personnel will be required of this department. Services will commence on the effective date.

OTHER CITY DEPARTMENTS

Several other City Departments are not involved in direct services to the people of the City or its geographic areas. However, these departments are essential to the general operation of municipal business and will service the annexation areas in the same manner that they service the existing City. Such departments include Finance, Budget and Evaluation, Municipal Information System, and similar agencies.

WATER AND SEWER

The Charlotte-Mecklenburg Utility Department is responsible for the operation, maintenance, and extension of the water and sewer facilities that serve Charlotte and Mecklenburg County. Charlotte-Mecklenburg Utility Department's treatment system provides the Charlotte-Mecklenburg area with adequate quantities of potable water and returns treated wastewater back to streams and rivers.

The department operates on revenue generated by the sale of water and sewer service to its customers.

The Sardis Road area is presently being service with the basic sewer trunk system and the basic water system (required for fire protection) necessary to comply with the annexation law.

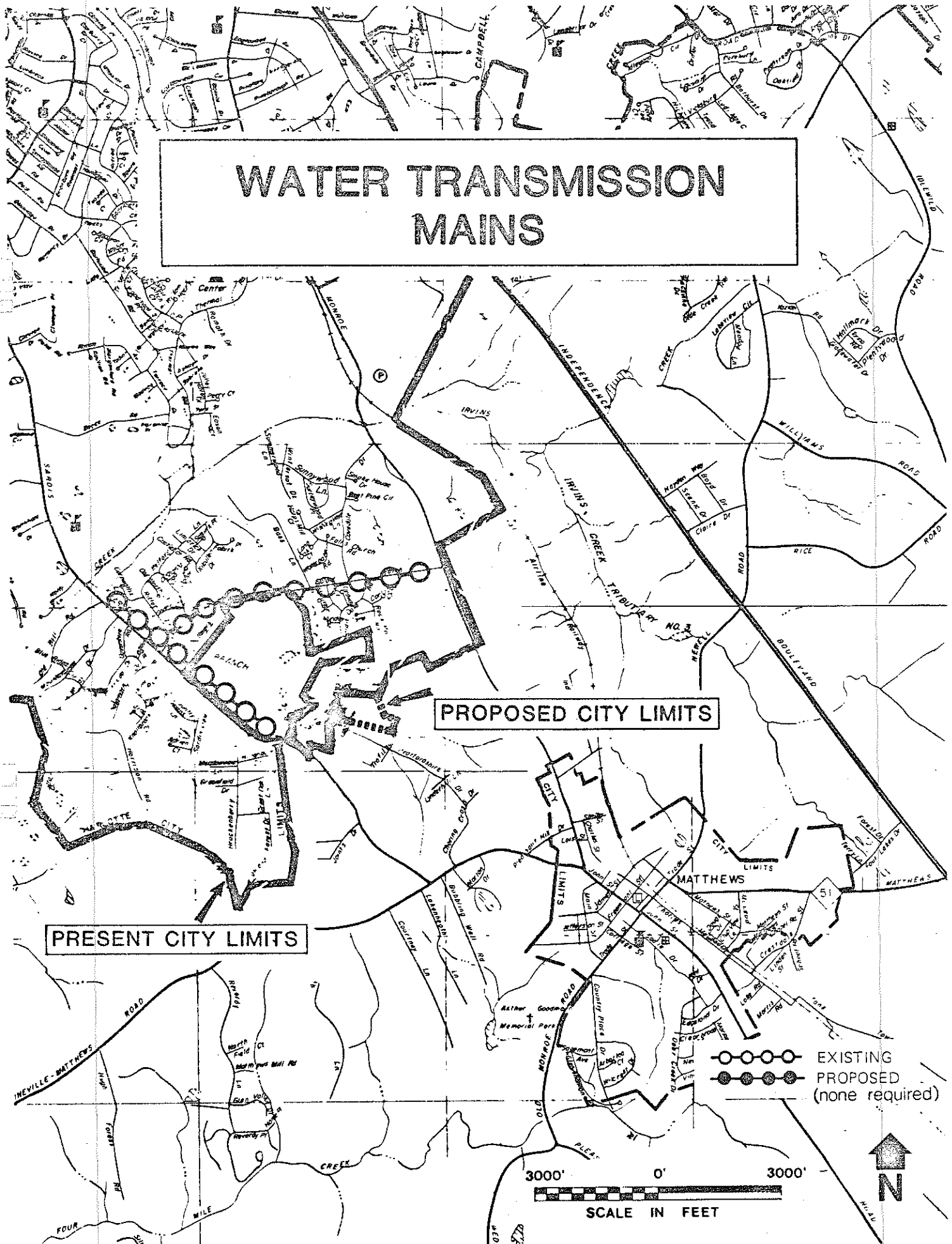
Extension of sewer street mains in dedicated maintained streets and the extension of water mains from the basic fire protection system in dedicated maintained streets will be constructed in accordance with the Water/Sewer Extension Policy as adopted by the City Council on May 19, 1975.

Since Charlotte-Mecklenburg Utility Department is a countywide water and sewer system, expenses for operating the system will be derived from revenues obtained through the sale of water and sewer services.

(11)

(12)

(13)



SARDIS ROAD AREA IN TERMS OF STATUTORY REQUIREMENTS -
 (STATISTICS COMPILED FROM JUNE - SEPTEMBER, 1979)

<u>STATUTORY REQUIREMENT</u>	<u>MEASURED OR CALCULATED</u>	<u>STATUTORY STANDARD</u>
I. At least one-eighth (1/8) of the total boundary of the area must coincide with the municipal boundary		
A. Total boundary	5,682 ft.	
B. Boundary contiguous with municipal boundary	1,964 ft.	
C. Proportion of total boundary contiguous with the municipal boundary	34.6%	(1/8 or 12.5%)
II. Qualifying Criteria		
A. Alternative #1. Has a resident population equal to at least two persons for each acre of land within its boundaries		
1. Total number of dwelling units	43	
2. Average number of persons per household (1970 Census)	3.27	
3. Estimated population	140	
4. Total area	33.5 acres	
5. Population per acre	4.18	(2.00)

APPENDIX

Legal Description: Sardis Road Area

SARDIS ROAD

Beginning at a point in the present City Limit line, said point being the north-easterly rear corner of Lot 25 in Block 7 as shown on Recorded Map Book 18, Page 316 and running thence in a southerly direction following along the rear boundary line of Lots 25 through 32 in Block 7 as shown on said Recorded Map Book 18, Page 316 as having a bearing and distance as follows: S. 3-24-07 E. 376.60 feet. S. 10-45 E. 135.45 feet. S. 5-00 E. 105.0 feet. S. 6-15 W. 110.0 feet to a point, said point being the northwesterly rear corner of Lot 35 in Block 7 as shown on Recorded Map Book 19, Page 5; thence in a southeasterly direction following along the rear boundary line of Lots 35 and 36 in Block 7 as shown on said Recorded Map Book 19, Page 5 as having a bearing of S. 64-25-00 E. a total distance of 181.05 feet to a point in the westerly right-of-way margin of Tadlock Place; thence continuing in a southeasterly direction, crossing Tadlock Place approximately 50 feet to a point in the easterly right-of-way margin on Tadlock Place; thence continuing in a southeasterly direction following along the rear boundary line of Lots 51 and 50 in Block 4 as shown on said Recorded Map Book 19, Page 5 as having a bearing of S. 65-29-03 E. a total distance of 191.16 feet; thence in a southwesterly direction following along the easterly boundary line of Lot 50 in Block 4 as shown on Recorded Map Book 19, Page 64 (revised) as having a bearing and distance of S. 27-04-25 W. 92.79 feet to a point in the northerly boundary line of lot as described in Deed Book 4092, Page 616; thence in a southerly direction following along the northerly and easterly boundary line of lot as described in said Deed Book 4092, Page 616 in four (4) courses as follows: (1) S. 53-07-56 E. 169.17 feet. (2) S. 15-35-41 W. 396.81 feet. (3) S. 5-36-56 W. 61.92 feet. (4) S. 5-42 W. 37.0 feet to a point, thence in a northwesterly direction following along a portion of the southerly boundary line of lot as described in said Deed Book 4092, Page 616 as having a bearing and distance as follows: N. 73-24-10 W. 228.35 feet. N. 73-25-35 W. 77.07 feet to a point,

said point being the southeasterly rear corner of Lot 31 in Block 6 as shown on Recorded Map Book 19, Page 5; thence in a northeasterly direction following along the easterly boundary line of Lot 31 in Block 6 as shown on said Recorded Map Book 19, Page 5 as having a bearing and distance as follows: N. 16-34-25 E. 170.0 feet. N. 39-15 E. 60.0 feet to a point; thence in a northwesterly direction following along the common dividing line between Lots 31 and 32 in Block 6 as shown on said Recorded Map Book 19, Page 5 as having a bearing and distance of N. 56-18-12 W. 124.61 feet to a point, said point being located 10.0 feet south or southeast of and normal to the southerly right-of-way margin of Tadlock Place; thence in a southerly direction following along a line 10.0 feet south of and parallel with the southerly right-of-way margin of Tadlock Place approximately 108 feet to a point in the easterly boundary line of Lot 29 in Block 6 as shown on said Recorded Map Book 19, Page 5; thence in a southwesterly direction following along the easterly and southerly boundary line of Lot 29 as shown on said Recorded Map Book 19, Page 5 as having a bearing and distance as follows: S. 49-50-43 W. 268.77 feet. N. 73-25-05 W. 60.0 feet to a point, said point being the southeasterly rear corner of Lot 21 in Block 6 as shown on Recorded Map Book 18, Page 319; thence continuing in a northwesterly direction following along the rear boundary line of Lots 21, 20, 19, 12, 11, 10 in Block 6 as shown on said Recorded Map Book 18, Page 319 as having a bearing and distance in three (3) courses as follows: (1) N. 73-23-05 W. 220.30 feet. (2) N. 74-09-57 W. 115.87 feet. (3) N. 73-15-12 W. 404.0 feet to a point in the present City Limit line.

The City Council of the City of Charlotte, North Carolina, met in regular session at the City Hall in Charlotte, North Carolina at 3:00 P.M., on March 24, 1980.

Present: Mayor H. Edward Knox, presiding, and Councilmembers L. David Berryhill, Jr., W. Donald Carroll, Jr., Betty Chafin, Thomas Cox, Jr., Charlie S. Dannelly, Laura P. Frech, Ron Leeper, Pat Locke, George K. Selden, Jr., Herbert Spaugh, Jr. and Minette C. Trosch.

Absent: None

* * * * *

Councilmember Leeper introduced

the following resolution which was read by title:

RESOLUTION AMENDING THE RESOLUTION ADOPTED
 MARCH 20, 1972 AUTHORIZING AND SECURING
 \$4,000,000 AIRPORT REVENUE BONDS, SERIES A OF
 THE CITY OF CHARLOTTE, NORTH CAROLINA

WHEREAS on March 20, 1972, the City Council of the City of Charlotte duly adopted a resolution (the "Bond Resolution") authorizing the issuance of and securing \$4,000,000 Airport Revenue Bonds, Series A, \$2,000,000 of which remain outstanding; and

WHEREAS the City Council has determined that it is necessary and desirable to amend the Bond Resolution to exclude from the definition of the term "Airport Facilities" those facilities used in air cargo operations at Douglas Municipal Airport; and

WHEREAS North Carolina National Bank being the holder of all of the outstanding bonds has consented to such amendment; now, therefore,

BE IT RESOLVED that the definition of the term "Airport Facilities" in Section 101 of the Bond Resolution is hereby amended to read as follows:

The term "Airport Facilities" shall mean the Airport together with the Improvements and any Additional Improvements, excluding that portion of the Airport consisting of approximately 90 acres used for air cargo facilities which is bounded on the east, north and west by the building restriction lines of runways 5/23 and 18L/36R and on the south by West Boulevard together with the existing improvements and any additional improvements thereon.

Upon motion of Councilmember Leeper, seconded by Councilmember Locke, the foregoing resolution was adopted by the following vote:

Ayes: Councilmembers Berryhill, Carroll, Chafin, Cox, Dannelly, Frech, Leeper, Locke, Selden Spaugh and Trosch.

Noes: None

Thereupon Councilmember Selden introduced the following order authorizing revenue bonds which was read by title:

AN ORDER AUTHORIZING THE CONSTRUCTION OF AIR CARGO FACILITIES AT DOUGLAS MUNICIPAL AIRPORT IN THE CITY OF CHARLOTTE, NORTH CAROLINA; AUTHORIZING THE ISSUANCE, UNDER THE PROVISIONS OF SECTIONS 159-80 TO 159-97, INCLUSIVE, OF THE GENERAL STATUTES OF NORTH CAROLINA, OF NOT EXCEEDING \$5,500,000 AIR CARGO FACILITIES REVENUE BONDS OF THE CITY, PAYABLE SOLELY FROM CERTAIN REVENUES, RESERVES AND OTHER MONEYS TO PROVIDE FUNDS FOR PAYING THE COST OF AIR CARGO FACILITIES OR ANY ADDITIONAL IMPROVEMENTS AND REVENUE REFUNDING BONDS OF THE CITY; PROVIDING THAT NEITHER THE FAITH AND CREDIT NOR TAXING POWER OF THE STATE OF NORTH CAROLINA OR THE CITY OF CHARLOTTE IS PLEDGED TO THE PAYMENT OF THE BONDS ISSUED UNDER THIS ORDER; PROVIDING FOR THE COLLECTION OF RENTS, FEES AND CHARGES FOR THE USE OF THE SERVICES AND FACILITIES OF THE AIR CARGO FACILITIES AND FOR THE CREATION OF CERTAIN SPECIAL FUNDS; MAKING AVAILABLE FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AND ANY ADDITIONAL BONDS CERTAIN REVENUES OF THE AIR CARGO FACILITIES AND CERTAIN RESERVES AND OTHER MONEYS OF THE CITY; AND SETTING FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH BONDS.

WHEREAS, the City of Charlotte, a municipal corporation in Mecklenburg County, North Carolina (hereinafter sometimes called the "City"), owns and operates a public airport known as Douglas Municipal Airport (the "Airport"); and

WHEREAS, the City now owns, maintains and operates, or causes to be maintained and operated, air cargo facilities at the Airport located on approximately 90 acres of land bounded on the east, north and west by the building restriction lines of runways 5/23 and 18L/36R and on the south by West Boulevard (the "Existing Facilities"); and

WHEREAS, the construction of additional air cargo facilities consisting of five cargo buildings and appurtenant facilities (the "Project") is urgently needed for benefit of the inhabitants and the economy of the City as well as other portions of the State that depend upon the Airport for transporting cargo and the City has determined to construct the Project at the Airport; and

WHEREAS, the City has determined that it is necessary to issue revenue bonds of the City for the purpose of providing funds, with any other available funds, for paying the cost of providing the Project; and

WHEREAS, the City has determined that it may be necessary to provide additions, improvements, betterments or

extensions of the Existing Facilities or the Project (the Existing Facilities, the Project and any such additions, improvements, betterments or extensions being hereinafter called the "Air Cargo Facilities"), and that it is advisable to make provision for the issuance of additional bonds, on a parity with the bonds initially issued under the provisions hereof, for paying the cost of Improvements (hereinafter defined), for completing the Air Cargo Facilities and any Improvements and refunding bonds issued under the provisions hereof; and

WHEREAS, under the Constitution and laws of the State of North Carolina, particularly The Local Government Revenue Bond Act, being Article 5 of Chapter 159 of the General Statutes of North Carolina, as amended (the "Enabling Act"), the City is authorized and empowered;

(a) to acquire, construct, reconstruct, extend, improve, maintain, better and operate revenue bond project which include aeronautical facilities, including but not limited to airports, terminals and hangars;

(b) to establish, maintain, revise, charge and collect rates, fees, rentals, tolls or other charges for the use, services, facilities and commodities of or furnished by any revenue bond project;

(c) to borrow money for the purpose of acquiring, constructing, reconstructing, extending, bettering, improving or otherwise paying the cost of revenue bond projects and to issue its revenue bonds or bond anticipation notes therefor;

(d) to pledge to the payment of such bonds or notes and interest thereon revenues from one or more revenue bond projects, including revenues from improvements, betterments or extensions to such projects thereafter constructed or acquired as well as the revenue from existing systems, plants, works, instrumentalities, and properties of the projects to be improved, bettered or extended; and

(e) to enter into contracts with any person, firm or corporation, public or private, on such terms as the City may determine, with respect to the acquisition, construction, reconstruction, extension, betterment, improvement, maintenance or operation of revenue bond projects; now, therefore,

BE IT ORDERED by the City Council of the City of Charlotte:

ARTICLE I.

DEFINITIONS.

SECTION 101. Meaning of Words and Terms. In addition to words and terms elsewhere defined in this Order, the following words and terms as used in this Order shall have the following meanings, unless some other meaning is plainly intended:

"Additional Bonds" means any Bonds issued under the provisions of Section 209 of this Order.

"Airport" means the public airport known as Douglas Municipal Airport, owned, operated and maintained by the City of Charlotte, North Carolina.

"Air Cargo Facilities" means the Existing Facilities, the Project and any Improvements.

"Annual Budget" means the City's budget for the Air Cargo Facilities for a Fiscal Year adopted pursuant to the provisions of Section 504 of this Order.

"Appropriate Consultant" means one or more independent certified public accountants or firms or corporations of independent certified public accountants, or architects or architectural firms or corporations, or engineers or engineering firms or corporations, or professional management consultants or firms or corporations of professional management consultants, or airport consultants, or firms or corporations of professional airport consultants, or such other independent persons or firms or corporations each of which has a favorable repute for skill and experience in its respective area of work at the time and for which it is employed by the City to perform and carry out the duties imposed on an Appropriate Consultant by this Order.

"Authorized Officer" means the Mayor, the City Finance Director, the Airport Manager or any other person authorized by resolution of the City Council to perform the duties imposed on an Authorized Officer by this Order.

"Bond Service Fund" means the City of Charlotte Air Cargo Facilities Revenue Bond Service Fund, a special fund created and designated by the provisions of Section 505 of this Order.

"Bond Year" means the period commencing on the first day of July of any year and ending on the last day of June of the following year.

"Bonds" means the bonds issued under this Order.

"City" means the City of Charlotte, North Carolina, a municipal corporation in Mecklenburg County, North Carolina and the legal successor or successors thereof.

"City Attorney" means the chief legal officer of the City or the officer succeeding to his principal functions.

"City Finance Director" means the City Finance Director of the City or the officer succeeding to his principal functions.

"Construction Fund" means the City of Charlotte Air Cargo Facilities Construction Fund, a special fund created and designated by the provisions of Section 401 of this Order.

"Cost", as applied to the Project or any Improvements, means, without intending thereby to limit or restrict any proper definition of such word under the provisions of the Enabling Act or this Order, the cost of acquisition and construction and all obligations and expenses and other items of cost which are set forth in Section 403 of this Order.

"Current Expenses" means the City's reasonable and necessary current expenses of maintenance, repair and operation of the Air Cargo Facilities and shall include, without limiting the generality of the foregoing, all ordinary and usual expenses of maintenance, repair and operation, which may include expenses not annually recurring, premiums for insurance, all administrative and engineering expenses relating to maintenance, repair and operation, fees and expenses of the Depositaries and the Paying Agents, legal expenses, any taxes which may be lawfully imposed on the Air Cargo Facilities and any other expenses of the Air Cargo Facilities required or permitted to be paid by the City under the provisions of this Order or by law, but shall not include any allowance for depreciation or any deposits or transfers to the credit of the Bond Service Fund, the Debt Service Reserve Fund, the Maintenance Reserve Fund, the Improvement Fund or the Redemption Fund.

"Daily Newspaper" means a newspaper regularly published in the English language on at least five business days in each calendar week.

"Debt Service Reserve Fund" means the City of Charlotte Air Cargo Facilities Revenue Bonds Debt Service Reserve Fund, a special fund created and designated by the provisions of Section 505 of this Order.

"Debt Service Reserve Requirement" means, as of any particular date of calculation, an amount equal to the maximum Principal and Interest Requirements for any single current or future Bond Year on account of the Bonds of all Series then Outstanding.

"Depository" means one or more banks or trust companies or other institutions duly authorized under the laws of the United States of America or the State of North Carolina to engage in the banking business or to accept deposits within said State and designated by the City as a depository of moneys under the provisions of this Order.

"Enabling Act" means Article 5 of Chapter 159 of the General Statutes of North Carolina, as amended.

"Existing Facilities" means the existing air cargo facilities of the Airport located on approximately 90 acres of land bounded on the east, north and west by the building restriction lines of runways 5/23 and 18L/36R and on the south by West Boulevard.

"Fiscal Year" means the period commencing on the first day of July of any year and ending on the last day of June of the following year or such other fiscal year as shall be chosen by the City with the approval of the Local Government Commission.

"Government Obligations" means direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States Government.

"Holder of Bonds" means the holder or registered owner, as the case may be, of any Bonds then Outstanding.

"Holder of Record" means any owner of one or more registered Bonds without coupons or any Holder of one or more coupon Bonds who shall have filed with the City Finance Director, within the period of two years immediately prior to any time when such term has application, a request in writing setting forth his name and address and the particular

reports, notices and other documents which he desires to receive and which are required to be mailed to him under the provisions of this Order.

"Improvement Fund" means the City of Charlotte Air Cargo Facilities Improvement Fund, a special fund created and designated by the provisions of Section 506 of this Order.

"Improvements" means any additions, expansions, extensions, or improvements to the Air Cargo Facilities other than the construction initially financed under the provisions of this Order.

"Interest Account" shall mean the special account created in the Bond Service Fund and designated by the provisions of Section 506 of this Order.

"Investment Obligations" shall mean (i) Government Obligations, (ii) obligations of the following agencies: Federal Intermediate Credit Banks, Federal Home Loan Banks, Federal National Mortgage Association, Banks for Cooperatives and Federal Land Banks, (iii) repurchase agreements covering any of the obligations described in (i) and (ii) above, (iv) savings certificates, investment certificates, shares of or deposits in any savings and loan association organized under the laws of the State or in any federal savings and loan association having its principal office in the State to the extent that the investment in such certificates, shares or deposits is fully insured by the United States of America or an agency thereof or by any mutual deposit guaranty association authorized to do business in the State, (v) interest bearing time deposits or certificates of deposit or such other forms of deposit in any bank or trust company in the State or in any other state, secured in each case as provided in Section 601 of this Order for City moneys held by a Depository, and (vi) obligations secured by the full faith and credit and taxing power of the State, all to the extent from time to time permitted by the laws of the State.

"Local Government Commission" means the Local Government Commission of North Carolina.

"Maintenance Reserve Fund" means the City of Charlotte Air Cargo Facilities Maintenance Reserve Fund, a special fund created and so designated by the provisions of Section 505 of this Order.

"Net Revenues" for any particular period means the amount of the excess of Revenues over Current Expenses for such period.

"Officer's Certificate" means a certificate signed by an Authorized Officer.

"Operation and Maintenance Fund" means the City of Charlotte Air Cargo Facilities Operation and Maintenance Fund, a special fund created and designated by the provisions of Section 504 of this Order.

"Order" shall mean this Order, together with all orders supplemental hereto as herein permitted.

"Outstanding", when used with reference to Bonds, means, as of a particular date, all Bonds theretofore delivered under this Order, except:

- (1) Bonds theretofore cancelled by the City or delivered to the City for cancellation;
- (2) Bonds deemed to have been paid in accordance with the provisions of Section 1101 of this Order; and
- (3) Bonds in exchange for or in lieu of which other Bonds have been delivered pursuant to this Order.

"Paying Agents" shall mean (i) with respect to the Bonds of each Series the one or more banks or trust companies designated in the Series Order for such Series where the coupon Bonds of such Series and coupons appertaining thereto may be presented for payment and (ii) any successor or successors of any of such Paying Agents.

"Principal Account" means the special account created in the Bond Service Fund and designated by the provisions of Section 505 of this Order.

"Principal and Interest Requirements" for any Bond Year as applied to the Bonds of any Series issued under the provisions of this Order means the sum of:

- (1) the amount required to pay the interest on the Bonds then Outstanding of such Series which is payable on January 1 of such Bond Year and on July 1 of the following Bond Year,

(2) the amount required to pay the principal of all Serial Bonds of such Series then Outstanding which is payable on July 1 of the following Bond Year, and

(3) the Sinking Fund Requirement for the Term Bonds, if any, of such Series for such Bond Year.

"Project" means the additional air cargo facilities of the Airport to be constructed, consisting of five cargo buildings and appurtenant facilities.

"Redemption Date" when used with respect to any Bond to be redeemed means the date fixed for such redemption by or pursuant to this Order.

"Redemption Fund" means the City of Charlotte Air Cargo Facilities Revenue Bonds Redemption Fund, a special fund created and designated by the provisions of Section 505 of this Order.

"Redemption Price" means, with respect to a Bond or portion thereof, the principal amount of such Bond or portion plus the applicable premium, if any, payable upon redemption thereof in the manner contemplated in accordance with its terms pursuant to the provisions of this Order.

"Revenue Fund" shall mean the City of Charlotte Air Cargo Facilities Revenue Fund, a special fund created and designated by Section 502 of this Order.

"Revenues" means:

(a) all payments, proceeds, fees, charges, rents and all other income derived by or for the account of the City from its ownership and operation of the Air Cargo Facilities with all rights to receive the same, whether in the form of accounts receivable, contract rights or other rights, and the proceeds of such rights whether now owned or held or hereafter coming into existence,

(b) any proceeds of use and occupancy or business interruption insurance, and

(c) the income from the investment under the provisions of this Order of the moneys held for the credit of the various funds and accounts created under this Order except the Construction Fund and any

construction account created for Additional Improvements but shall not include the proceeds of any insurance other than as mentioned above, or any gifts, grants, donations, contributions or borrowed funds.

"Serial Bonds" means the Bonds of a Series which shall be stated to mature in consecutive annual installments.

"Series" means either (i) the Bonds issued and delivered at any one time under the provisions of Section 208 or 209 of this Order or (ii) the refunding Bonds issued at any one time under the provisions of Section 210 of this Order.

"Series A Bonds" means the Bonds at the time Outstanding issued under the provisions of Section 208 of this Order.

"Series Order" shall mean the Order of the City Council providing for the issuance of any particular Series of Bonds which is required to be adopted prior to the issuance of such Series by Sections 209 or 210 of this Order.

"Sinking Fund Account" means the special account created in the Bond Service Fund and designated by the provisions of Section 505 of this Order.

"Sinking Fund Requirement" means, with respect to the Term Bonds of any Series and for any Bond Year, the principal amount fixed or computed for such Bond Year as hereinafter provided for the retirement of such Term Bonds by purchase or redemption.

The Sinking Fund Requirements for the Term Bonds of each Series for each Bond Year shall be initially the respective principal amounts of such Bonds to be redeemed, or otherwise retired, on July 1 of the following Bond Year as fixed in the Series Order for such Series. The aggregate amount of such Sinking Fund Requirements for the Term Bonds of each Series shall be equal to the aggregate principal amount of the Term Bonds of such Series; provided, however, that if any additional Term Bonds of such Series shall be issued under the first paragraph of Section 210, then the respective Sinking Fund Requirements for the Term Bonds of such Series shall be increased in proportion as nearly as may be practicable to the increase in the total principal amount of the Term Bonds of such Series. The aggregate amount of such Sinking Fund for the Term Bonds of

each Series shall be equal to the aggregate principal amount of the Term Bonds of such Series. The Sinking Fund Requirements for the Term Bonds of the same maturity of each Series shall begin in the Bond Year determined by the City and shall end with the Bond Year immediately preceding the maturity of such Term Bonds (such final installment being payable at maturity and not redeemed).

If at the close of any Bond Year the total principal amount of the Term Bonds of any Series maturing on the same date retired by purchase or redemption (or called for redemption under the provisions of this Order prior to the close of such Bond Year) shall be greater than the total amount of the Sinking Fund Requirements for such Bonds to and including such Bond Year, then the Sinking Fund Requirements for such Bond Year shall be reduced by the amount of such excess. The amount of the reduction in the Sinking Fund Requirements for each such subsequent Bond Year shall be in the same proportion, as nearly as practicable, as determined by the City, as the total amount of the reduction for all such subsequent Bond Years bears to the total amount of the Sinking Fund Requirements for all such subsequent Bond Years for such Bonds.

If at the close of any Bond Year the total principal amount of the Term Bonds of any Series maturing on the same date retired by purchase or redemption (or called for redemption under the provisions of this Order prior to the close of such Bond Year) shall be less than the total amount of the Sinking Fund Requirements for such Bonds to and including such Bond Year, then the Sinking Fund Requirement for such Bonds in the next ensuing Bond Year shall be increased by the amount of such deficiency.

It shall be the duty of the City, on or before the 15th day of July in each Bond Year, to recompute, if necessary, the Sinking Fund Requirements for such Bond Year and all subsequent Bond Years for the Term Bonds of each Series then Outstanding. The Sinking Fund Requirements for such Bond Year as so recomputed shall continue to be applicable during such Bond Year and no adjustment shall be made therein by reason of Term Bonds purchased or redeemed or called for redemption during such Bond Year.

"State" means the State of North Carolina.

"State Treasurer" shall mean the State Treasurer of the State of North Carolina.

"Term Bonds" means the Bonds of a Series designated Term Bonds in a Series Order of the City adopted prior to the issuance of such Bonds.

SECTION 102. Miscellaneous Definitions. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, the words "Bond", "coupon", "owner", "Holder" and "person" shall include the plural as well as the singular number. The word "person" shall mean any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization or government or any agency or political subdivision thereof. The word "registered" shall have no application under this Order to coupon Bonds registered to bearer.

All references in this Order to designated "Articles", "Sections" and other subdivisions are to the designated Articles, Sections and other subdivisions of this Order.

The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Order as a whole and not to any particular Article, Section or other subdivision.

ARTICLE II.

FORM, EXECUTION, DELIVERY AND REGISTRATION OF BONDS.

SECTION 201. Construction of the Project and Issuance of Bonds. For the purpose of providing funds for paying the Cost of the Project, establishing certain reserves and paying expenses incidental thereto, as more specifically provided in Section 208 of this Order, Bonds of the City may be issued under and secured by this Order, subject to the provisions of this Article. Bonds of the City may also be issued by the City, subject to the provisions of this Article, for the purposes of providing funds for paying all or any part of the Cost of any Improvements, providing funds for paying any remaining part of the Cost of, or completing, the Project and any Improvements and refunding all or any part of the Bonds of any Series issued under the provisions of this Order. The principal of, the interest on and the redemption premium, if any, on such Bonds shall be payable solely from the moneys and assets pledged by this Order for their payment, and all of the covenants, agreements and conditions of this Order shall be for the benefit and security of all and singular the present and future Holders of the Bonds issued and to be issued under this Order, without preference, priority or distinction as to lien or otherwise, except as otherwise hereinafter provided, of any one Bond over any other Bond by reason of priority in the issuance, sale or negotiation thereof or otherwise.

SECTION 202. Form of Bonds Generally. The definitive Bonds are issuable as coupon Bonds, registrable as to principal only, in the denomination of \$5,000 each, and as registered Bonds without coupons in denominations of \$5,000 or any whole multiple thereof. The definitive Bonds issued under the provisions of this Article shall be substantially in the forms hereinafter set forth, with such appropriate variations, omissions and insertions as are permitted or required by this Order and with such additional changes as may be necessary or appropriate to conform to the provisions of the Series Order providing for the issuance of such Bonds. All such Bonds may have endorsed thereon such legends or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or of any securities exchange on which the Bonds may be listed or traded or any usage or requirement of law with respect thereto or as may be authorized by the City.

SECTION 203. Details of Bonds. The Bonds shall be dated, shall bear interest until their payment, such interest to the respective maturities thereof being payable semi-annually on the 1st days of January and July in each year, and shall be stated to mature (subject to the right of prior redemption), all as hereinafter provided.

Each coupon Bond shall bear interest from its date. Each registered Bond without coupons shall bear interest from the interest payment date next preceding the date on which it is issued, unless issued on an interest payment date, in which case it shall bear interest from such interest payment date, or, unless issued prior to the first interest payment date, in which case it shall bear interest from its date; provided, however, that if at the time of issuance of any registered Bond without coupons interest is in default, such Bond shall bear interest from the date to which interest shall have been paid.

The Bonds shall be signed by, or bear the facsimile signature of, the Mayor and shall be signed by, or bear the facsimile signature of, the City Clerk, and a facsimile of the corporate seal of the City shall be imprinted on the Bonds.

The coupons attached to the coupon Bonds shall be substantially in the form hereinafter set forth and shall bear the facsimile signature of the City Clerk.

In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds or coupons shall cease to be such officer before the delivery of such Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the facsimile signature of or may be signed by such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

Both the principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America which on the respective dates of payment thereof is legal tender for the payment of public and private debts. The principal of coupon Bonds (unless registered) and the interest on coupon Bonds of each Series shall be payable at the principal offices of the Paying Agents designated for the Bonds of such Series. The principal of all

registered Bonds without coupons and the principal of all coupon Bonds registered as to principal only shall be payable only to the registered owner or his legal representative at the principal office of the North Carolina Paying Agent (hereinafter mentioned) and payment of the interest on each registered Bond without coupons shall be made by the City on each interest payment date to the person appearing on the registration books of the City hereinafter provided for as the registered owner thereof, by check mailed to such registered owner at his address as it appears on such registration books. Except as provided in Section 211 of this Order, payment of the principal of all Bonds shall be made upon the presentation and surrender of such Bonds as the same shall become due and payable. Payment of the interest on the coupon Bonds shall be made upon the presentation and surrender of the coupons, if any, representing such interest as the same respectively become due and payable.

SECTION 204. Form of Bonds. The coupon Bonds issuable hereunder and the interest coupons to be attached thereto, the provisions for registration and reconversion, the registered Bonds without coupons issuable hereunder and the certificate of the Local Government Commission to be endorsed on all such Bonds shall be, respectively, substantially in the following forms, with such variations, omissions and insertions as are required or permitted by this Order.

[FORM OF COUPON BONDS]

NO.

\$5,000

United States of America
State of North Carolina
County of Mecklenburg

CITY OF CHARLOTTE

AIR CARGO FACILITIES REVENUE BONDS,

SERIES A

The City of Charlotte, a municipal corporation of the State of North Carolina (the "City"), for value received, hereby promises to pay, solely from the special fund provided therefor as hereinafter set forth, to the bearer or, if this bond be registered, to the registered owner hereof on the 1st day of July (or earlier as hereinafter referred to), the principal sum of

FIVE THOUSAND DOLLARS

and to pay, solely from said special fund, interest thereon from the date hereof at the rate of per centum (.....%) per annum until payment of said principal sum, such interest to the maturity hereof being payable on _____ 1, 19__ and semi-annually thereafter on January 1 and July 1 in each year. Both the principal of and the interest on this bond are payable in any coin or currency of the United States of America which on the respective dates of payment thereof is legal tender for the payment of public and private debts. The principal of this bond, unless registered, and the interest hereon are payable at the principal office of _____

_____, in the City of Charlotte, North Carolina (the "North Carolina Paying Agent"), or, at the option of the holder or registered owner, at the principal office of _____, in the Borough of Manhattan, City and State of New York. Payment of the interest on this bond to the maturity hereof will be made only upon presentation and surrender of the coupons representing such interest as the same respectively become due and payable. The principal of this bond (if registered) is payable upon the presentation and surrender hereof at the principal office of the North Carolina Paying Agent.

The principal of and interest on this bond are payable solely from the revenues made available under the Order (hereinafter mentioned) and the City is not obligated to pay the principal or interest except from such revenues.

This bond is one of a duly authorized series of revenue bonds of the City, designated "Air Cargo Facilities Revenue Bonds, Series A" (the "Series A Bonds"), dated as of the 1st day of _____, 19__, consisting of bonds maturing in annual installments on the 1st day of July in the years _____ to _____ inclusive (the "Serial Bonds"), and of bonds maturing on the 1st day of July _____, 20__ (the "Term Bonds"), and issued for the purpose of providing funds for (i) paying the cost of constructing and equipping air cargo facilities

at Douglas Municipal Airport (the "Project"), (ii) providing certain reserves for the Series A Bonds and (iii) paying expenses incidental to the issuance of the Series A Bonds. The Existing Facilities (as defined in the Order), the Project and any Improvements (as defined in the Order) are hereinafter called the "Air Cargo Facilities".

All of the Series A Bonds are issued under and pursuant to the Constitution and laws of the State of North Carolina, including The Local Government Revenue Bond Act, the same being Sections 159-80 to 159-97, inclusive, of the General Statutes of North Carolina, as amended (the "Enabling Act"), a bond order duly adopted by the City Council of the City on March 24, 1980 (such bond order, together with all orders supplemental thereto as therein permitted, being herein called the "Order") and a series order duly adopted by the City Council of the City on _____, 19__ (the "Series Order"). The Order provides for the issuance under the conditions, limitations and restrictions therein set forth of additional bonds to provide funds for paying all or any part of the cost of acquiring and constructing any Improvements, to complete the Project or any Improvements and to refund any bonds issued under the Order (such additional bonds and the Series A Bonds being herein collectively called the "Bonds"). Reference is hereby made to the Order and the Series Order for provisions, among others, with respect to the custody and application of the proceeds of Bonds, the collection and disposition of revenues, the special fund charged with and made available for the payment of the interest and the redemption premium, if any, on and the principal of the Bonds, the nature and extent of the security for the Bonds, the terms and conditions on which the Bonds of each series are or may be issued, the rights, duties and obligations of the City and the rights of the holders of the Bonds, and, by the acceptance of this bond, the holder hereof assents to all of the provisions of the Order and the Series Order.

The Order provides for the creation of a special fund designated the "Air Cargo Facilities Revenue Bond Service Fund" (the "Bond Service Fund") which special fund is made available for and charged with the payment of the principal of and the interest on all Bonds, and also provides for the deposit to the credit of said special fund of the Revenues, as defined in the Order, after provision has been made for the payment of Current Expenses, as defined in the Order, to the extent and in the manner provided in the Order. The Order further provides for transfers to the credit of the

Bond Service Fund from other special funds created by the Order and made available thereunder to make up any deficiencies in said Fund, all to the extent and in the manner provided in the Order.

The Order provides for the charging, revising and collecting by the City of rates, fees, rentals and charges for the use of and for the services and facilities furnished or to be furnished by the Air Cargo Facilities in order to produce at all times sufficient Revenues to pay the Current Expenses and to pay the principal of and interest on all Bonds issued under the provisions of the Order as the same shall become due and to create reserves for such purposes.

The Bonds are issuable as coupon Bonds, registrable as to principal only, in the denomination of \$5,000 and as registered Bonds without coupons, in the denominations of \$5,000 or any whole multiple thereof. At the office of the North Carolina Paying Agent, in the manner and subject to the limitations and conditions provided in the Order and without cost except for any tax or other governmental charge, registered Bonds without coupons may be exchanged for an equal aggregate principal amount of coupon Bonds of the same series and maturity, bearing interest at the same rate and having attached thereto coupons representing all unpaid Bonds without coupons of the same series and maturity, of authorized denominations and bearing interest at the same rate, and coupon Bonds with all coupons appertaining thereto representing all unpaid interest due or to become due thereon may in like manner be exchanged for an equal aggregate principal amount of registered Bonds without coupons of the same series and maturity, of authorized denominations and bearing interest at the same rate.

The Series A Bonds at the time outstanding which are stated to mature on or after July 1, 19__ may be redeemed prior to their respective maturities, at the option of the City, either in whole, on any date not earlier than July 1, 19__, or in part, on any interest payment date not earlier than July 1, 19__, from any moneys that may be made available for such purpose, at the principal amount of the Series A Bonds to be redeemed, whether such redemption shall be in whole or in part, together with the interest accrued thereon to the date fixed for redemption plus a premium of ___% of such principal amount if redeemed on or prior to July 1, 19__, ___% if redeemed thereafter and on or prior to July 1, 19__, ___% if redeemed thereafter and on or prior

to July 1, 19____, and without premium if redeemed thereafter. The Series A Bonds which mature on July 1, 20____, are required to be redeemed from moneys in the Sinking Fund Account in a total principal amount equal to the Sinking Fund Requirements therefor (less the principal amount of any Series A Bonds retired by purchase) as defined in the Order, in annual installments on July 1 in each of the years _____ to _____, inclusive, at the principal amount of the Series A Bonds to be redeemed together with interest accrued thereon to the date fixed for redemption, without premium.

If less than all of the Bonds of any one maturity of a series shall be called for redemption, the particular Bonds or portions of registered Bonds without coupons to be redeemed from such maturity and series shall be selected by lot by the City Finance Director in such manner as the City Finance Director in his discretion may determine, and, if less than all of the Bonds of any series stated to mature on different dates shall be called for redemption, the particular Bonds or portions of registered Bonds without coupons to be redeemed shall be called in the inverse order of their maturities; provided, however, that the portion of any registered Bond without coupons to be redeemed shall be in the principal amount equal to \$5,000 or some whole multiple thereof, and that, in selecting Bonds for redemption, the City Finance Director shall treat each registered Bond without coupons as representing that number of coupon Bonds which is obtained by dividing the principal amount of such registered Bond without coupons by \$5,000.

The moneys in the Bond Service Fund and the Redemption Fund, as defined in the Order, available for the purchase or redemption of Bonds shall be allocated to all series of Bonds outstanding under the Order in the manner provided in the Order.

At least thirty (30) days before the redemption date of the Bonds the City Finance Director shall cause a notice of any such redemption, either in whole or in part, signed by the City Finance Director, (a) to be published once in a daily newspaper of general circulation published in the City of Charlotte, North Carolina, and in a daily newspaper of general circulation or a financial journal published in the Borough of Manhattan, City and State of New York, (b) to be filed with the paying agents and (c) to be mailed, postage prepaid, to all Holders of Record, as defined in the Order, owning or holding Bonds or portions of Bonds to be redeemed at their addresses as they appear on the registration books

of the City kept by the North Carolina Paying Agent, as provided in the Order, but failure so to file or mail any such notice shall not affect the validity of the proceedings for such redemption. On the date designated for redemption, notice having been published as aforesaid, the Bonds or portions of registered Bonds without coupons so called for redemption shall become and be due and payable at the redemption price provided for redemption of such Bonds or such portions thereof on such date, and, if moneys (or Government Obligations as provided in the Order) for payment of the redemption price and the accrued interest are held by the paying agents, as provided in the Order, interest on such Bonds or such portions thereof so called for redemption shall cease to accrue, the coupons for any such interest payable subsequent to the redemption date shall be void, such Bonds or such portions thereof so called for redemption shall cease to be entitled to any benefit or security under the Order, and the holders or registered owners thereof shall have no rights in respect of such Bonds or such portions thereof so called for redemption except to receive payment of the redemption price thereof and the accrued interest so held by the paying agents.

The holder of this bond shall have no rights to enforce the provisions of the Order or to institute action to enforce the covenants therein, or to take any action with respect to any event of default under the Order, or to institute, appear in or defend any suit or other proceeding with respect thereto, except as provided in the Order.

In certain events, on the conditions, in the manner and with the effect set forth in the Order, the principal of all the bonds then outstanding under the Order may become or may be declared due and payable before the stated maturities thereof, together with the interest accrued thereon.

Amendatory or supplemental orders may be adopted by the City only to the extent and in the circumstances permitted by the Order.

This bond may be registered as to principal only in accordance with the provisions endorsed hereon and subject to the terms and conditions set forth in the Order.

As declared by the Enabling Act, this bond, subject only to the provisions for registration and registration of transfer endorsed hereon and contained in the Order, is an investment security within the meaning of and for all the

PROVISIONS FOR REGISTRATION

This bond may be registered as to principal only on books of the City, kept by the North Carolina Paying Agent as Bond Registrar under the within mentioned Order, upon presentation hereof to the Bond Registrar who shall make notation of such registration in the registration blank below, and thereafter the transfer of this bond may be registered only upon an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, such registration of transfer to be made on such books and endorsed hereon by the Bond Registrar. Such registration of transfer may be to bearer and thereby transferability by delivery shall be restored, but this bond shall again be subject to successive registrations and registrations of transfer as before. The principal of this bond, if registered, unless registered to bearer, shall be payable only to the registered owner or his legal representative. Notwithstanding the registration of this bond as to principal only, the coupons shall remain payable to bearer and shall continue to be transferable by delivery.

<u>Date of Registration</u>	<u>Name of Registered Owner</u>	<u>Signature of Bond Registrar</u>
.....
.....
.....

[FORMS OF COUPONS]

No. \$.....

On1,, the City of Charlotte, a municipal corporation of the State of North Carolina, will pay to bearer (unless the bond mentioned below shall previously have become payable as provided in the Order referred to in said bond and provision for payment thereof shall have been duly made) at the principal office of _____, in the City of Charlotte, North Carolina, or, at the option of the bearer, at the principal office of _____, in the Borough of Manhattan, City and State of New York, upon presentation and surrender hereof, the sum of Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for

the payment of public and private debts, solely from the special fund referred to in, and for the interest then due upon its Air Cargo Facilities Revenue Bond, Series A, dated as of the 1st day of _____, 19____, No. .

[Facsimile Signature]
City Clerk

[FORM OF REGISTERED BONDS WITHOUT COUPONS]

Same as Form of Coupon Bonds except as follows:

1. Substitute the following for the caption and the first paragraph:

No. \$.....

United States of America
State of North Carolina
County of Mecklenburg

CITY OF CHARLOTTE

AIR CARGO FACILITIES REVENUE BOND,
SERIES A

The City of Charlotte, a municipal corporation of the State of North Carolina (the "City"), for value received, hereby promises to pay, solely from the special fund provided therefor as hereinafter set forth, to
....., or registered assigns or legal representative, on the 1st day of July, _____ (or earlier as hereinafter referred to), upon the presentation and surrender hereof at the principal office of _____, in the City of Charlotte, North Carolina (the "North Carolina Paying Agent"), the principal sum of
..... Dollars in any coin or currency of the United States of America which at the time of payment thereof is legal tender for the payment of public and private debts, and to pay, solely from said special fund, to the registered

owner hereof by check mailed to the registered owner at his address as it appears on the bond registration books of the City, interest on said principal sum from the date hereof or from the January 1 or July 1 next preceding the date unless the date of issuance is a January 1 or July 1, in which case, from such date, semi-annually on January 1 and July 1 in each year in like coin or currency, at the rate of per centum (.....%) per annum until payment of said principal sum.

2. Substitute the following for the paragraph concerning the notice of redemption and the effect thereof:

At least thirty (30) days before the redemption date of any Bonds the City Finance Director shall cause a notice of any such redemption, either in whole or in part, signed by the City Finance Director, (a) to be published once in a daily newspaper of general circulation published in the City of Charlotte, North Carolina, and in a daily newspaper of general circulation or a financial journal published in the Borough of Manhattan, City and State of New York, (b) to be filed with the paying agents and (c) to be mailed, postage prepaid, to all Holders of Record, as defined in the Order, owning or holding Bonds or portions of Bonds to be redeemed at their addresses as they appear on the registration books of the City kept by the North Carolina Paying Agent, as provided in the Order, but failure so to file or mail any such notice shall not affect the validity of the proceedings for such redemption. On the date designated for redemption, notice having been published as aforesaid, the Bonds or portions of registered Bonds without coupons so called for redemption shall become due and payable at the redemption price provided for redemption of such Bonds or such portions thereof on such date, and, if moneys (or Government Obligations) for payment of the redemption price and the accrued interest are held by the North Carolina Paying Agent, as provided in the Order, interest on such Bonds or such portions thereof so called for redemption shall cease to be entitled to any benefit or security under the Order, and the holders or registered owners thereof shall have no rights in respect of such Bonds or such portions thereof so called for redemption except to receive payment of the redemption price thereof and the accrued interest so held by the North Carolina Paying Agent. If a portion of this bond shall be called for redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner upon the surrender hereof.

3. Substitute the following for the paragraph concerning registration and negotiability:

The transfer of this bond is registrable by the registered owner hereof in person or by his attorney or legal representative at the principal office of the North Carolina Paying Agent but only in the manner and subject to the limitations and conditions provided in the Order and upon surrender and cancellation of this bond. Upon any such registration of transfer the City shall execute and the North Carolina Paying Agent shall deliver in exchange for this bond a new registered Bond or Bonds without coupons, registered in the name of the transferee, coupon Bonds with coupons attached representing all unpaid interest due or to become due thereon, in aggregate principal amount equal to the principal amount of this bond, of the same series and maturity and bearing interest at the same rate.

As declared by the Enabling Act, this bond, subject only to the provisions for registration and registration of transfer stated herein and contained in the Order, is an investment security within the meaning of and for all the purposes of Article 8 of the Uniform Commercial Code of the State of North Carolina.

4. Substitute the following for the witnessing clause:

IN WITNESS WHEREOF, the City of Charlotte has caused this bond to bear the facsimile signatures of its Mayor and City Clerk, and a facsimile of its corporate seal to be imprinted hereon, all as of the 1st day of _____, 19__.

5. Omit the Provisions for Registration and Form of Coupons.

[TO BE ENDORSED ON ALL BONDS]

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Revenue Bond Act of North Carolina.

John D. Foust
Secretary, Local Government
Commission

By: _____
Designated Assistant

[TO BE ENDORSED ON ALL REGISTERED BONDS
WITHOUT COUPONS]

Date of issuance: _____

SECTION 205. Exchange of Bonds. Coupon Bonds, upon surrender thereof at the principal office of the North Carolina Paying Agent with all unmatured coupons and all matured coupons in default, if any, appertaining thereto, may, at the option of the Holder thereof, be exchanged for an equal aggregate principal amount of registered Bonds without coupons of the same Series and maturity, of any authorized denomination or denominations, bearing interest at the same rate, and, with the exception of the differences between the form of coupon Bonds and the form of registered Bonds without coupons which are set forth in Section 204 of this Order, in the same form as the coupon Bonds surrendered for exchange. If such coupon Bonds shall be registered as to principal only, they shall be accompanied by an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the North Carolina Paying Agent.

Registered Bonds without coupons, upon surrender thereof at the office of the North Carolina Paying Agent, together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the North Carolina Paying Agent, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of coupon Bonds of the same Series and maturity, bearing interest at the same rate and having attached thereto coupons representing all unpaid interest due or to become due thereon or of registered Bonds without coupons of the same Series and maturity, of any authorized denomination or denominations and bearing interest at the same rate, and in either case, with the exception of the differences between the form of coupon Bonds and the form of registered Bonds without coupons which are set forth in Section 204 of this Order, in the same form as the registered Bonds without coupons surrendered for exchange.

The City shall make provision for the exchange of Bonds at the principal office of the North Carolina Paying Agent.

SECTION 206. Negotiability, Registration and Transfer of Bonds. Title to any coupon Bond, unless such Bond is registered in the manner hereinafter provided, and to any interest coupon shall pass by delivery in the same manner as a negotiable instrument payable to bearer. The North Carolina Paying Agent shall keep books for the registration of Bonds and for the registration of transfer of Bonds as provided in this Order. At the option of the bearer, any coupon Bond (but not any temporary Bond unless the City shall so provide) may be registered as to principal only on such books upon presentation thereof to the North Carolina Paying Agent who shall make notation of such registration thereon. The transfer of any such Bond registered as to principal only may thereafter be registered only upon surrender thereof to the North Carolina Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the North Carolina Paying Agent, such registration of transfer to be made on such books and endorsed on the bond by the North Carolina Paying Agent. Such registration of transfer may be to bearer and thereby transferability by delivery shall be restored, subject, however, to successive registrations and registrations of transfer as before. The principal of any coupon Bond registered as to principal only and the principal of any registered Bond without coupons shall be payable only to or upon the order of the registered owner or his legal representative, but the coupons appertaining to any coupon Bond registered as to principal only shall remain payable to bearer notwithstanding such registration. The transfer of any registered Bond without coupons may be registered only upon the books kept for registration of and registrations of transfers of Bonds upon surrender thereof to the North Carolina Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the North Carolina Paying Agent. Upon any such registration of transfer the City shall execute and deliver in exchange for such Bond a new registered Bond or Bonds without coupons, registered in the name of the transferee, of any authorized denomination or denominations, or, at the option of the transferee, coupon Bonds with coupons attached representing all unpaid interest due or to become due thereon, in an aggregate principal amount equal to the principal amount of such registered Bond without coupons, of the same Series and maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of registered Bonds without coupons shall be registered hereunder, the City shall execute and deliver at the earliest practicable time Bonds in accordance with the provisions of this Order. All Bonds and coupons surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the North Carolina Paying Agent unless in the case of coupon Bonds the City Finance Director shall direct the North Carolina Paying Agent in writing to hold such Bonds and coupons in safekeeping for delivery in exchange for the registered Bonds in accordance with the provisions of this Section. The City may make a charge for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made to any Holder of Bonds for the privilege of exchanging or registering the transfer of Bonds under the provision of this Order. The City shall not be required to make any such exchange or registration of transfer of Bonds during the fifteen (15) days immediately preceding an interest payment date on the Bonds or, in the case of any proposed redemption of Bonds, immediately preceding the date of first publication of notice of such redemption, or after such Bond or any portion thereof has been selected for redemption.

SECTION 207. Ownership of Bonds. As to any coupon Bond registered as to principal only or any registered Bond without coupons, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, except for the purpose of receiving payment of coupons in the case of any coupon Bond registered as to principal only, and payment of or on account of the principal or Redemption Price of any such coupon Bond registered as to principal only or any such registered Bond without coupons, and the interest on any such registered Bond without coupons, shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond including the premium, if any, and interest thereon to the extent of the sum or sums so paid. The City and the Paying Agents may deem and treat the bearer of any coupon Bond which shall not at the time be registered as to principal only, and the bearer of any coupon appertaining to any coupon Bond, as the absolute owner of such Bond or coupon, as the case may be, whether such Bond or coupon shall be overdue or not, for the purpose of receiving

payment thereof and for all other purposes whatsoever, and neither the City nor the Paying Agents shall be affected by any notice to the contrary.

SECTION 208. Authorization of Series A Bonds. There shall be initially issued under and secured by this Order Bonds of the City in an aggregate principal amount not exceeding Five Million Five Hundred Thousand Dollars (\$5,500,000) for the purpose of providing funds for (a) paying the Cost of constructing and equipping the Project, (b) making the deposits to the credit of the Interest Account and the Debt Service Reserve Fund required by this Section and (c) paying other expenses in connection with the issuance of the Series A Bonds. Said Series A Bonds shall be designated "Air Cargo Revenue Bonds, Series A", shall be dated, shall be stated to mature on the 1st day of July in such year or years, not later than forty (40) years from their date, shall bear interest from their date at such rate or rates, shall be redeemable at such times and prices (subject to the provisions of Article III), shall be numbered and shall have such denomination or denominations, Paying Agents and Sinking Fund Requirements on account of any Term Bonds thereof as may be provided by the Series Order to be adopted by the City Council prior to the issuance of the Series A Bonds.

The Series A Bonds shall be executed substantially in the form and manner hereinabove set forth and shall be delivered by the City to the State Treasurer for delivery to or upon the order of the purchasers thereof, but prior to or simultaneously with the delivery of the Series A Bonds to or upon the order of the purchasers thereof there shall be filed with the State Treasurer the following:

(a) a copy, certified by the City Clerk, of this Order;

(b) a copy, certified the City Clerk, of the Series Order mentioned above;

(c) a copy, certified by the Secretary or any Deputy Secretary of the Local Government Commission, of the resolution of the Local Government Commission providing for the sale of the Series A Bonds;

(d) a copy, certified by the City Clerk, of the resolution of the City Council (which resolution may be incorporated in the Series Order for the Series A

Bonds) approving the sale of the Series A Bonds by the Local Government Commission and directing the delivery of the Series A Bonds to or upon the order of the purchasers mentioned therein upon payment of the purchase price therein set forth and the accrued interest on the Series A Bonds;

(e) a statement, signed by an Appropriate Consultant, giving (i) the estimate of such Appropriate Consultant of the Cost of the Project, including an amount for contingencies but excluding financing charges, reserves and interest during construction, if any, and (ii) an estimate of the date on which the Project will be completed;

(f) an opinion of the City Attorney stating that (i) all approvals, consents, authorizations, certifications and other orders of any governmental authority, board, agency or commission having jurisdiction, or filings with any such entities, which would be necessary for the acquisition and construction of the Project, and then obtainable, have been obtained, (ii) this Order and the Series Order have been duly and validly adopted by the City Council, (iii) the Series A Bonds have been duly and validly authorized by the City Council and executed and delivered by the City, and that this Order is valid and binding on the City in accordance with its terms and (iv) all conditions precedent to the delivery of the Series A Bonds have been satisfied.

When the documents mentioned above in this Section shall have been filed with the State Treasurer and when the Series A Bonds shall have been executed as required by this Order, the State Treasurer shall deliver the Series A Bonds at one time to or upon the order of the purchasers named in the resolution mentioned in clause (a) of this Section, but only upon payment to the State Treasurer of the purchase price of the Series A Bonds and the accrued interest. The State Treasurer shall be entitled to rely upon the Series Order mentioned in clause (b) of this Section as to all matters stated therein.

Simultaneously with the delivery of the Series A Bonds and the deposit of said proceeds with the State Treasurer, the State Treasurer shall apply said proceeds (including accrued interest and any premium) as follows:

(1) There shall be applied to the payment of the principal of any notes issued in anticipation of the receipt of the proceeds of the Series A Bonds such amount as shall be specified in the Series Order;

(2) All moneys received as accrued interest on the Series A Bonds, together with such additional amount as shall be specified in the Series Order, shall be deposited to the credit of the Interest Account;

(3) An amount equal to the Debt Service Reserve Requirement with respect to the Series A Bonds shall be deposited to the credit of the Debt Service Reserve Fund; and

(4) The balance of such proceeds shall be deposited to the credit of the Construction Fund.

SECTION 209. Issuance of Additional Bonds. Additional Bonds may be issued under and secured by this Order, subject to the conditions hereinafter provided in this Section, in one or more Series from time to time for the purpose of providing funds for (a) paying all or any part of the cost of acquiring and constructing any Improvements and paying any remaining part of the cost of acquiring and constructing, or completing, the Project or any Improvements, (b) making the deposit to the credit of the Debt Service Reserve Fund required by this Section for each such Series of additional Bonds, (c) making such deposits, if any, to the Operation and Maintenance Fund and the Interest Account as may be required by the Series Resolution, and (d) establishing other reserves and paying other expenses incidental and necessary or convenient thereto.

Before any Bonds shall be issued under the provisions of this Section, the City Council shall adopt a Series Order authorizing the issuance of such Bonds, fixing the amount and the details thereof and describing in brief and general terms the purpose for which the Bonds are to be issued. The Bonds of each Series issued under the provisions of this Section shall be designated "Air Cargo Facilities Revenue Bonds, Series _____" (inserting a letter of the alphabet to identify the particular series), shall be dated, shall be stated to mature on the 1st day of July in such year or years, not later than forty (40) years from their date, shall bear interest at such rate or rates, shall be redeemable at such times and prices (subject to the provisions of Article III of this Order), shall be numbered and shall have

such Paying Agents and Sinking Fund Requirements on account of any Term Bonds thereof as may be provided by the Series Order for such Bonds. Except as to any differences in the maturities thereof or the rate or rates of interest or the provisions for redemption, such Bonds shall be on a parity with and shall be entitled to the same benefit and security under this Order as all other Bonds issued under this Order.

Bonds issued under the provisions of this Section shall be executed substantially in the form and manner hereinabove set forth and shall be delivered by the City Finance Director to the State Treasurer for delivery to or upon the order of the purchasers thereof, but prior to or simultaneously with the delivery of such Bonds to or upon the order of the purchasers thereof, there shall be filed with the State Treasurer, except as hereinafter in this Section provided, the following:

(a) a copy, certified by the City Clerk, of the Series Order for such Bonds;

(b) a copy, certified by the Secretary or any Deputy Secretary of the Local Government Commission, of the resolution of the Local Government Commission providing for the sale of such Bonds;

(c) a copy, certified by the City Clerk, of the resolution of the City Council (which resolution may be incorporated in the Series Order for such Bonds) approving the sale of such Bonds by the Local Government Commission and directing the delivery of such Bonds to or upon the order of the purchasers mentioned therein upon payment of the purchase price therein set forth and the accrued interest on such Bonds;

(d) a certificate, signed by an Authorized Officer and approved by an Appropriate Consultant, setting forth:

(i) stating that the acquisition, construction or completion of the Project or the Improvements described in the Series Order mentioned in clause (a) of this Section is, in the opinion of such Officer, necessary to preserve, develop or improve the Air Cargo Facilities,

(ii) giving the estimate of such Officer of the total Cost of acquiring, constructing or completing the Project or such Improvements (including a reserve for contingencies), and

(iii) giving the estimate of such Officer as to the date on which the Project or such Improvements will be completed;

(e) a statement, signed by an Appropriate Consultant and approved by an Authorized Officer, giving the estimate of such Consultant of the amount of the average annual Net Revenue to be received during the five (5) complete Fiscal Years immediately following the estimated date of completion of such Improvements, taking into account but not limited to, the completion of any Improvements, any increase in rates, fees, rentals and charges under the provisions of Section 501 and any increase in the Net Revenues because of savings in Current Expenses;

(f) A Certificate, signed by an Authorized Officer and approved by an Appropriate Consultant, setting forth:

(i) the amount of the Net Revenues for the Fiscal Year next preceding the Fiscal Year in which the Bonds then requested to be delivered shall be issued as shown by or derived from the audit for such Fiscal Year filed under the provisions of Section 711 or the amount of the Net Revenues for any period of twelve (12) consecutive calendar months of the eighteen (18) calendar months preceding the issuance of the Bonds then requested to be delivered shall be issued as shown by or derived from an audit for such twelve (12) month period, such audit to be prepared by an independent certified public accountant on a basis consistent with the audit filed under the provisions of Section 711, and

(ii) the amount, if any, which is then available or will be made available for paying the cost of completing the Project or the Cost of the Improvements which are described in the Series Order mentioned in clause (a) of this Section and the source or sources from which such amount has been or will be received;

(g) A Certificate, signed by an Authorized Officer and approved by an Appropriate Consultant, setting forth:

(i) the respective amounts of the Principal and Interest Requirements for each succeeding Bond Year on account of the Bonds of each Series then Outstanding, and

(ii) the respective amounts of the Principal and Interest Requirements for each succeeding Bond Year on account of the Bonds of each Series then Outstanding and the Bonds then requested to be authenticated and delivered;

(h) an Officer's Certificate stating:

1. the percentage derived by dividing the amount shown in item (i) of clause (f) of this Section by the maximum Principal and Interest Requirements for any succeeding Bond Year on account of the Bonds of each Series then Outstanding as shown in item (i) of clause (g) of this Section, which percentage shall be not less than one hundred twenty per centum (120%), and
2. the percentage derived by dividing the amount shown in clause (e) of this Section by the maximum Principal and Interest Requirements for any succeeding Bond Year on account of the Bonds of each Series then Outstanding and the Bonds then requested to be delivered as shown in item (ii) of clause (g) of this Section, which percentage shall be not less than one hundred twenty per centum (120%);

(i) an Officer's Certificate stating that the proceeds (excluding accrued interest but including any premium) of such Bonds at the purchase price to be paid therefor, together with the other funds which have been or will be made available for such purpose as set forth in item (ii) of the certificate mentioned in clause (f) of this Section, shall be not less than the total Cost of the Improvements or the total costs of completing the Project or the Improvements as shown in the statement mentioned in clause (d) of this Section;

(j) an Officer's Certificate stating that the City is not then in default in the performance of any of the covenants, conditions, agreements or provisions contained in this Order relative to the payment of the principal of, the interest on or the Redemption Price of the Bonds then Outstanding and in Section 501 relative to the fixing of rates, fees, rentals and charges; and

(k) an opinion of the City Attorney to the effect that all proceedings for the issuance of such Bonds have been duly and validly taken and that all conditions precedent to the delivery of such Bonds have been fulfilled.

When the documents completed as mentioned above in this Section shall have been filed or deposited with the State Treasurer, except as hereinafter in this Section provided, and when the Bonds described in the Series Order and in the resolution mentioned in clause (c) of this Section shall have been executed as required by this Order, the State Treasurer shall deliver such Bonds at one time to or upon the order of the purchasers named in the resolution mentioned in said clause (c), but only upon payment to the State Treasurer of the purchase price of such Bonds and the accrued interest. The State Treasurer shall be entitled to rely upon such Series Order and resolution as to all matters stated therein.

With respect to the issuance of any Bonds for the following purposes, the statement mentioned in clause (e) of this Section need not be set forth in such statement and item (i) of the certificate mentioned in clause (f) of this Section need not be set forth in such certificate to be filed or deposited with the State Treasurer and the certificates mentioned in clause (g) and clause (h) of this Section need not be filed or deposited with the State Treasurer:

(1) Bonds in the aggregate principal amount not exceeding Five Hundred Fifty Thousand Dollars (\$550,000) for the purpose of providing funds for paying any remaining part of the Cost of completing the Project; and

(2) Bonds for the purpose of providing funds for paying any remaining part of the Cost of, or completing Improvements, provided that the principal amount of such Series of Bonds does not exceed ten per centum

(10%) of the aggregate principal amount of the Series of Bonds issued initially to finance the Improvements to be completed.

Simultaneously with the delivery of such Bonds and the deposit of said proceeds with the State Treasurer, the State Treasurer shall apply said proceeds (including accrued interest and any premium) as follows:

(1) There shall be applied to the payment of the principal of any notes issued in anticipation of the receipt of the proceeds of such Bonds such amount as shall be specified in the Series Order;

(2) An amount equal to the increase, if any, in the Debt Service Reserve Requirement resulting from the issuance of such Series of Bonds shall be deposited to the credit of the Debt Service Reserve Fund to the extent such amount has not been deposited from other moneys of the City;

(3) Such amount, if any, as may be determined by the City Council in the Series Resolution for such Bonds to be a reasonable provision for working capital shall be deposited to the credit of the Operation and Maintenance Fund;

(4) All moneys received as accrued interest on such Bonds, together with such additional amount as shall be specified in the Series Order, shall be deposited to the credit of the Interest Account;

(5) To such Fund or Account created pursuant to the provisions of this Order such amount or amounts, if any, as may be determined by the City Council in the Series Resolution for such bonds for the purpose of providing such reserves and for the purpose of paying expenses incidental and necessary or convenient with respect to the issuance of Additional Bonds; and

(6) The balance of such proceeds shall be deposited to the credit of a special construction account appropriately designated and held in trust for the sole and exclusive purpose of paying the Cost of Improvements or paying any remaining part of the Cost of the Project. All of the provisions of Article IV which relate to the Project and the Construction

Fund shall apply to any such special construction account insofar as such provisions may be applicable.

SECTION 210. Refunding Bonds. Refunding Bonds of the City may be issued under and secured by this Order, subject to the conditions hereinafter provided in this Section, from time to time, for the purpose of providing funds, with any other available funds, for refunding at their maturity all or part of the Serial Bonds of any Series which will mature within one year thereafter and, if deemed necessary by the City, for paying the interest to accrue thereon to their maturity and any expenses in connection with such refunding. Before any Bonds shall be issued under the provisions of this paragraph the City Council shall adopt an order or orders authorizing the issuance of such Bonds, fixing the amount and the details thereof and describing the Bonds to be refunded. Such refunding Bonds shall be deemed to constitute a part of the Term Bonds, if any, of such Series, shall be stated to mature at the same time and shall be subject to redemption at the same times and prices as such Term Bonds or, in case all the outstanding Bonds of such Series shall be Serial Bonds, such refunding Bonds shall be stated to mature on July 1 in a year not earlier than two years after the last maturing installment of such Serial Bonds and not later than forty (40) years from their date, shall be made redeemable at such times and prices (subject to the provisions of Article III), shall be numbered, shall have such Paying Agents, and shall have such Sinking Fund Requirements, all as may be provided by the order or orders authorizing the issuance of such Bonds. Such refunding Bonds shall be designated, shall be dated and shall bear interest at a rate not exceeding the maximum rate then permitted by law, all as may be provided by the order or orders authorizing the issuance of such Bonds. Except as to any differences in the maturities thereof or the rate or rates of interest on the provisions for redemption, such refunding Bonds shall be on a parity with and shall be entitled to the same benefit and security of this Order as all other Bonds issued under this Order.

Refunding Bonds of the City may also be issued under and secured by this Order, subject to the conditions hereinafter provided in this Section, from time to time, for the purpose of providing funds, with any other available funds, for redeeming prior to their maturity or maturities all of the Outstanding Bonds of any Series, including the payment of any redemption premium thereon, and, if deemed necessary by the City, paying the interest to accrue thereon to the

date fixed for their redemption and any expenses in connection with such refunding. Before any Bonds shall be issued under the provisions of this paragraph, the City Council shall adopt a Series Order authorizing the issuance of such Bonds, fixing the amount and the details thereof and describing the Bonds to be redeemed. Such refunding Bonds shall be designated, shall have such denomination or denominations, shall be dated, shall bear interest at a rate or rates not exceeding the maximum rate then permitted by law, shall be stated to mature on the 1st day of July in such year or years, not later than forty (40) years from their date, shall be made redeemable at such times and prices (subject to the provisions of Article III), shall be numbered, shall have such Paying Agents, shall have such Sinking Fund Requirements on account of any Term Bonds of such Series and shall have such Debt Service Reserve Requirement within the limitations specified in this Order, all as may be provided by the Series Order for such Bonds. Except as to any differences in the maturities thereof or the rate or rates of interest or the provisions for redemption, such refunding Bonds shall be on a parity with and shall be entitled to the same benefit and security of this order as all other Bonds issued under this Order.

Refunding Bonds issued under the provisions of this Section shall be executed substantially in the form and manner hereinabove set forth, shall be delivered to the State Treasurer for delivery to or upon the order of the purchasers thereof, but prior to or simultaneously with the delivery of such Bonds to or upon the order of the purchasers thereof, there shall be filed with the State Treasurer the following:

(a) a copy, certified by the City Clerk, of the Series Order or the order or orders mentioned in the first paragraph of this Section, as the case may be;

(b) a copy, certified by the Secretary or any Deputy Secretary of the Local Government Commission, of the resolution of the Local Government Commission providing for the sale of such Bonds;

(c) a copy, certified by the City Clerk, of the resolution of the City Council awarding such Bonds and directing the delivery of such Bonds to or upon the order of the purchasers mentioned therein upon payment of the purchase price therein set forth and the accrued interest on such Bonds;

(d) an Officer's Certificate stating that the proceeds (excluding accrued interest but including any premium) of such refunding Bonds, together with any moneys to be withdrawn from the Bond Service Fund or the Debt Service Reserve Fund by the City Finance Director as hereinafter provided, and any other moneys which have been made available to the City Finance Director for such purpose as hereinafter provided, or the principal of and the interest on the investment of such proceeds or any such moneys, will be not less than an amount sufficient to pay the principal of and the redemption premium, if any, on the Bonds to be refunded and, if deemed necessary by the City, the interest which will become due and payable on or prior to the date of their payment or redemption and the financing costs in connection with such refunding; and

(e) in case such Bonds are to be issued for the purpose of providing funds for redeeming less than all of the Outstanding Bonds prior to their stated maturity or maturities, an Officer's Certificate stating that the maximum amount of the Principal and Interest Requirements for any Bond Year thereafter on account of the Bonds of all Series to be Outstanding after the issuance of such refunding Bonds shall be no greater than the maximum amount of the Principal and Interest Requirements for any Bond Year thereafter on account of the Bonds of all Series Outstanding immediately prior to the issuance of such refunding Bonds, including the Bonds to be refunded.

When the documents mentioned above in this Section shall have been filed with the State Treasurer and when the Bonds described in the Series Order and the order and resolutions mentioned in clauses (a), (b) and (c) of this Section shall have been executed as required by this Order, the State Treasurer shall deliver such Bonds at one time to or upon the order of the purchasers mentioned in the resolution mentioned in said clause (c), but only upon payment to the State Treasurer of the purchase price of such Bonds and the accrued interest. The State Treasurer shall be entitled to rely upon such resolutions as to all matters stated therein.

The proceeds of such refunding Bonds shall, to the extent practicable, be invested and reinvested by the City Finance Director in Government Obligations, and the

moneys so invested shall be available for use when required. The income derived from such investments shall be added to such proceeds and applied in accordance with the provisions of this Section 210.

Simultaneously with the delivery of such refunding Bonds the City Finance Director shall withdraw from (i) the Bond Service Fund an amount equal to the sum of the amounts deposited to the credit of such fund under the provisions of Section 506 of this Order on account of the interest which is payable on the Bonds to be refunded on the next interest payment date of such Bonds and on account of the next maturing installment of principal of or the current Sinking Fund Requirement for the Bonds to be refunded and (ii) the Debt Service Reserve Fund an amount equal to the decrease in the maximum Principal and Interest Requirements resulting from the issuance of such refunding Bonds. The amounts so withdrawn, the proceeds (excluding accrued interest but including any premium) of such refunding Bonds and any other moneys which have been made available to the City Finance Director for such purpose, shall be deposited with the Paying Agents to be held in trust for the sole and exclusive purpose of paying the principal of, redemption premium, if any, and interest on the Bonds to be refunded; provided, however, that such portion of the proceeds of such refunding Bonds as is specified in a certificate of the City Finance Director shall be paid to the City to be used for the payment of expenses incident to the financing. Any part of the proceeds of such refunding Bonds which are not needed for the purpose of paying the principal of and the redemption premium, if any, and interest on the Bonds to be refunded or any expenses in connection with such refunding shall be deposited to the credit of the Revenue Fund. The amount received as accrued interest on such refunding Bonds shall be deposited to the credit of the Interest Account.

All expenses in connection with the issuance of such refunding Bonds may be paid from the Revenue Fund or the proceeds of such refunding Bonds.

SECTION 211. Temporary Bonds. Until definitive Bonds of any Series are ready for delivery, there may be executed and delivered, in lieu of definitive Bonds and subject to the same limitations and conditions, temporary printed, engraved or lithographed Bonds, in the form of either coupon Bonds in such denominations, with or without coupons and

with or without the privilege of registration as to principal alone, or registered bonds without coupons in such denominations, or both, as the City Council by resolution may provide, substantially of the tenor hereinabove set forth and with such appropriate omissions, insertions and variations as may be required.

Until definitive Bonds of any Series are ready for delivery, any temporary Bond of such Series may, if so provided by the City Council by resolution, be exchanged at the office of the City Finance Director, without charge to the Holder thereof, for an equal aggregate principal amount of temporary coupon Bonds or of temporary registered Bonds without coupons, or both, of like tenor, of the same Series and maturity and bearing interest at the same rate.

If temporary Bonds shall be issued, the City shall cause the definitive Bonds to be prepared and to be executed and delivered to the City Finance Director without undue delay, and the City Finance Director, upon presentation to him at his office of any temporary Bond accompanied by all unpaid coupons, if any, shall cancel the same and deliver in exchange therefor at the place designated by the Holder, without charge to the Holder thereof, a definitive Bond or Bonds of an equal aggregate principal amount, of the same Series and maturity and bearing interest at the same rate as the temporary Bond surrendered. Upon any such exchange all coupons appertaining to definitive coupon Bonds and representing interest theretofore paid shall be detached and cancelled by the City Finance Director. Until so exchanged the temporary Bonds shall in all respects be entitled to the same benefit and security of this Order as the definitive Bonds to be issued hereunder. Interest on temporary coupon Bonds, when due and payable, if the definitive Bonds shall not be ready for exchange, shall be paid on presentation of such temporary coupon Bonds and notation of such payment shall be endorsed thereon, or such interest shall be paid upon the surrender of the appropriate coupons if coupons representing such interest shall be attached to such temporary Bonds.

SECTION 212. Mutilated, Lost or Destroyed Bonds. In case any Bond secured hereby shall become mutilated or be destroyed or lost, the City shall cause to be executed and delivered a new Bond of like date and tenor in exchange and substitution for and upon the cancellation of such mutilated Bond and its interest coupons, if any, or in lieu of

and in substitution for such Bond and its coupons, if any, destroyed or lost, upon the Holder's paying the reasonable expenses and charges of the City in connection therewith and, in the case of a Bond destroyed or lost, his filing with the City Finance Director evidence satisfactory to him that such Bond and coupons, if any, were destroyed or lost, and of his ownership thereof, and furnishing the City with indemnity satisfactory to it.

ARTICLE III.

REDEMPTION OF BONDS.

SECTION 301. Redemption of Bonds. The Bonds of any Series issued under the provisions of this Order shall be made subject to redemption, both in whole and in part and at such times and prices, as may be provided in the Series Order for such Bonds; provided, however, that any redemption in part, except any redemption in satisfaction of Sinking Fund Requirements, shall be in the inverse order of their maturities and further, that any redemption in part may be made only on an interest payment date and that Term Bonds shall be made subject to redemption to the extent of any Sinking Fund Requirements therefor on July 1 immediately following each Bond Year in which there is a Sinking Fund Requirement in respect of such Bonds.

If less than all of the Bonds of any one maturity of a Series shall be called for redemption, the particular Bonds or portions of registered Bonds without coupons to be redeemed from such Series and maturity shall be selected by the City Finance Director by lot in such manner as the City Finance Director in his discretion may determine; provided, however, that the portion of any registered Bond without coupons to be redeemed shall be in the principal amount equal to the lowest denomination of coupon Bonds of such Series or some integral multiple thereof, and that, in selecting Bonds for redemption, the City Finance Director shall treat each registered Bond without coupons as representing that number of coupon Bonds which is obtained by dividing the principal amount of such registered Bond without coupons by the amount of the lowest denomination of coupon Bonds of such Series.

SECTION 302. Redemption Notice. At least thirty (30) days before the redemption date of any Bonds, the City Finance Director shall cause a notice of any such redemption, either in whole or in part, signed by the City Finance Director, (a) to be published once in a Daily Newspaper of general circulation published in the City of Charlotte, North Carolina, and in a Daily Newspaper of general circulation or a financial journal published in the Borough of Manhattan, City and State of New York, (b) to be filed with the Paying Agents, and (c) to be mailed, postage prepaid, to all Holders of Record owning or holding Bonds or portions of

Bonds to be redeemed at their addresses as they appear on the registration books hereinabove provided for, but failure so to file or mail any such notice shall not affect the validity of the proceedings for such redemption. Each such notice shall set forth the date fixed for redemption, the Redemption Price to be paid, the place or places at which payment shall be made and, if less than all of the Bonds of any one maturity of a Series then Outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of registered Bond without coupons to be redeemed in part only, the portion of the principal amount thereof to be redeemed. In case any registered Bond without coupons is to be redeemed in part only, the notice of redemption which relates to such Bond shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds of the same Series and maturity, bearing interest at the same rate and in principal amount equal to the unredeemed portion of such Bond will be issued.

SECTION 303. Effect of Calling for Redemption. On the date so designated for redemption, notice having been published in the manner and under the conditions hereinabove provided, the Bonds or portions of registered Bonds without coupons so called for redemption shall become and be due and payable at the Redemption Price provided for redemption of such Bonds or portions of Bonds on such date, and, if moneys (or Government Obligations, as provided in Section 1101 of this Order) for payment of the Redemption Price and the accrued interest are held in separate accounts by the Paying Agents in trust for the Holders of the Bonds or portions thereof to be redeemed, as provided in this Order, interest on the Bonds or portions of Bonds so called for redemption shall cease to accrue, the coupons for interest on any coupon Bonds so called for redemption payable subsequent to the redemption date shall be void, such Bonds or portions of Bonds shall cease to be entitled to any benefit or security under this Order, and the Holders or registered owners of such Bonds or portions of Bonds shall have no rights in respect thereof except to receive payment of the Redemption Price thereof and the accrued interest and, to the extent provided in Section 305 of this Article, to receive Bonds for any unredeemed portions of registered Bonds without coupons.

SECTION 304. Matured Coupons. All unpaid coupons which appertain to coupon Bonds so called for redemption and which shall have become due and payable on or prior to the

date of redemption designated in such notice shall continue to be payable to the bearers severally and respectively upon the presentation and surrender of such coupons.

SECTION 305. Redemption of Portion of Registered Bonds. In case part but not all of an outstanding registered Bond without coupons shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the North Carolina Paying Agent for payment of the principal amount thereof so called for redemption, and the redemption premium, if any, on such principal amount and the City shall execute and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the registered Bond without coupons so surrendered, either coupon Bonds or a registered Bond or Bonds without coupons, at the option of such registered owner or his attorney or legal representative, of the same Series and maturity, bearing interest at the same rate and of any authorized denomination or denominations authorized by this Order.

SECTION 306. Cancellation. Coupon Bonds so redeemed and all unmatured coupons appertaining thereto, and registered Bonds without coupons so presented and surrendered, shall be cancelled upon the surrender thereof.

SECTION 307. Effect of Call or Irrevocable Instructions to Pay at Maturity or Call for Redemption. Bonds and portions of Bonds which have been duly called for redemption under the provisions of this Article, or with respect to which irrevocable instructions to pay at maturity or call for redemption at a specified redemption date have been given to the City Finance Director in form satisfactory to him, and for the payment of the Redemption Price and the accrued interest of which sufficient moneys or Government Obligations shall be held in separate accounts by the City Finance Director or by the Paying Agents in trust for the Holders of the Bonds or portions thereof to be redeemed, the principal of and the interest on such Government Obligations, if any, when due, providing sufficient moneys to pay, with such other moneys so deposited with the City Finance Director or the Paying Agents, the principal or the Redemption Price, as the case may be, of and interest on such Bonds, all as provided in this Order, shall not thereafter be deemed to be Outstanding under the provisions of this Order, and such Bonds or portions of Bonds shall cease to be entitled to any benefit or security under this Order, and

the Holders of such Bonds shall have no rights in respect thereof except to receive payment of the principal or the Redemption Price, as the case may be, thereof and the accrued interest, and, if such bonds are to be redeemed, to be given notice of redemption in the manner provided in Section 302, and, to the extent provided in Section 305, to receive Bonds for any unredeemed portions of registered Bonds without coupons.

ARTICLE IV.

CUSTODY AND APPLICATION OF PROCEEDS OF BONDS.

SECTION 401. Construction Fund. A special fund is hereby created and designated "City of Charlotte Air Cargo Facilities Construction Fund" (herein sometimes called the "Construction Fund"), to the credit of which such deposits shall be made as are required by the provisions of Sections 208 and 209 of this Order. Any money received by the City from any source for the construction of the Air Cargo Facilities shall be deposited to the credit of the Construction Fund.

The moneys in the Construction Fund shall be held by the City Finance Director or by a depository of his choosing in trust and, subject to the provisions of Section 406 of this Article, shall be applied to the payment of the Cost of the Project and, pending such application, shall be subject to a lien and charge in favor of the Holders of the Bonds issued and Outstanding under this Order and for the further security of such Holders until paid out or transferred as herein provided.

SECTION 402. Payments from Construction Fund. Payment of the Cost of the Project shall be made from the Construction Fund. All payments and withdrawals from the Construction Fund shall be subject to the provisions and restrictions set forth in this Article and the City covenants that it will not cause or permit to be paid or withdrawn from the Construction Fund any sums except in accordance with such provisions and restrictions.

SECTION 403. Items of Cost. For the purposes of this Order the Cost of the Project or any Improvements shall embrace the cost of acquisition and construction and, without intending thereby to limit or restrict any proper definition of such term under the provisions of the Enabling Act or this Order, shall include the following:

(a) obligations incurred for labor and materials and to contractors, builders and materialmen in connection with the construction, for machinery and equipment, for the restoration, or relocation of property damaged or destroyed in connection with such construction, for the removal or relocation of structures and for the clearing of lands;

(b) the cost of acquiring by purchase, if such purchase shall be deemed expedient, and the amount of any deposit in court or award or final judgment in or any settlement or compromise of any proceeding to acquire by eminent domain, such lands, property, property rights, rights of way, easements, franchises and other interests as may be deemed necessary or convenient, options and partial payments thereon, the cost of demolishing or removing or relocating any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, and the amount of any damages incident to or consequent upon the construction and operation of the Project and such Improvements;

(c) interest on any Bonds issued under the provisions of Section 208 and 209 of this Order prior to the commencement of and during the construction of the Project and such Improvements and for such period after completion of construction as may be permitted by the Enabling Act, and the reasonable fees of the Paying Agents for the payment of such interest;

(d) taxes or other municipal or governmental charges lawfully levied or assessed during construction upon the Project and such Improvements or any property acquired therefor, and premiums on insurance (if any) in connection with the Project and such Improvements during construction;

(e) the cost of borings and other preliminary investigations to determine foundation or other conditions, expenses necessary or incident to determining the feasibility or practicability of constructing the Project and such Improvements, and fees and expenses of engineers for making surveys and estimates of costs and of revenues and other estimates and for preparing plans and specifications and supervising construction, as well as for the performance of all other duties of engineers set forth herein in relation to the construction of the Project and such Improvements and the issuance of Bonds therefor;

(f) expenses of administration properly chargeable to the Project and such Improvements, expenses of officers of the City up to and including the date of delivery of the Series A Bonds, legal expenses and fees, fees and expenses of any financial advisor or

Appropriate Consultant, financing charges, cost of audits and of preparing and issuing the Bonds, provisions for working capital and such reserves as may then be permitted by law, including, without limitation, a reserve for debt service, and all other items of expense not elsewhere in this Section specified incident to the acquisition, construction and equipping of the Project and such Improvements, the financing thereof, the placing of the same in operation (including the initial premiums on any insurance required or obtained under the provisions of this Order) and the acquisition of lands, property, rights, rights of way, easements, franchises and interests therefor, including abstracts of title, title insurance, cost of surveys and other expenses in connection with such acquisition; and

(g) any obligation or expense heretofore or hereafter incurred and any amounts heretofore or hereafter advanced by the City for any of the foregoing purposes.

SECTION 404. Requisitions on Construction Fund.

Payments from the Construction Fund shall be made in accordance with the provisions of this Section. Before any such payment shall be made there shall be filed with the City Finance Director:

(a) a requisition, signed by an Authorized Officer, stating in respect of each payment to be made:

- (1) the item number of the payment,
- (2) the name of the person, firm or corporation to whom payment is due,
- (3) the amount to be paid,
- (4) the purpose by general classification for which the obligation to be paid was incurred,
- (5) that obligations in the stated amounts have been incurred by the City and are presently due and payable and that each item thereof is a proper charge against the Construction Fund and has not been paid,

(6) that there has not been filed with or served upon the City notice of any lien, right to lien, or attachment upon, or claim affecting the right to receive payment of, any of the moneys payable to any of the persons, firms or corporations named in such requisition, which has not been released or will not be released simultaneously with the payment of such obligation, and

(7) that such requisition contains no item representing payment on account of any retained percentage which the City is at the date of such requisition entitled to retain; and

(b) in the case of payments to contractors on account of construction costs or to vendors on account of interests in land, a statement, signed by an Appropriate Consultant and attached to such requisition, approving the contents thereof.

Upon receipt of each requisition and accompanying statement the City Finance Director shall pay, or cause to be paid, each such obligation or, if so requested by the City, shall withdraw from the Construction Fund and deposit with such Depository as shall be designated in such requisition to the credit of a special checking account in the name of the City an amount equal to the total of the amounts to be paid as set forth in such requisition, the amount so deposited to be used solely for the payment of the obligations set forth in such requisition, and each such obligation shall be paid by check drawn on such checking account and signed by an Authorized Officer. Moneys deposited to the credit of such checking account shall be deemed to be a part of the Construction Fund until paid out as above provided. In making such payments or such withdrawals and deposits the City Finance Director may rely upon such requisitions and accompanying statements. If for any reason the City should decide prior to the payment of any item in a requisition not to pay such item, an Authorized Officer shall give notice of such decision to the Depository and to the City Finance Director and thereupon the City shall pay the amount of such item by check drawn on such checking account to the City Finance Director for the credit of the Construction Fund.

In addition to such payments or such withdrawals and deposits, the City Finance Director shall pay from the

Construction Fund to the City upon its requisitions therefor, signed by an Authorized Officer, at one time or from time to time, a sum or sums aggregating not more than Two Hundred Thousand Dollars (\$200,000) exclusive of reimbursements as hereafter in this Section authorized, such sums and such reimbursements to be used by the City as a revolving fund for the payment of items of cost referred to in Section 403 of this Article which cannot conveniently be paid as herein otherwise provided. The moneys in such revolving fund shall be deemed to be a part of the Construction Fund until paid out. The revolving fund shall be reimbursed by the City Finance Director from time to time for such items of cost so paid by payments from the Construction Fund upon requisition of the City, filed with the City Finance Director and similarly signed, specifying the payee, the amount and the purpose by general classification of each payment from the revolving fund for which such reimbursement is requested, and stating that each such item of cost so paid was a necessary item of cost within said Section 403 and that such cost could not conveniently be paid except from such revolving fund, and, in the case of payments to contractors on account of construction costs or to vendors on account of interests in land, a statement, signed by an Appropriate Consultant and attached to such requisition, approving the contents thereof. In making such payments and reimbursements the City Finance Director may rely upon such requisitions and accompanying statements.

SECTION 405. Lands for Project and Improvements. The City covenants that the Project and any Improvements will be constructed on land which is owned or can be acquired by the City in fee simple or over or under which the City shall have acquired or can acquire proper easements or title or rights sufficient for the needs and purposes of the Project and such Improvements, free from all liens, encumbrances and defects of title except liens, encumbrances or defects of title which do not have a materially adverse effect upon the City's right to use such lands or properties for the purposes intended, or lands, including public streets and highways, the right to use and occupy which for such purposes shall be vested in the City by law or by valid rights of way, easements, franchises or licenses.

SECTION 406. City Finance Director Retains Requisitions. All requisition and certificates received by the City Finance Director, as required in this Article as conditions of payment from the Construction Fund, shall be retained in the possession of the City Finance Director,

subject at all reasonable times to the inspection of the City, any Appropriate Consultant, the agents and representatives thereof, and the Holders of not less than ten percent (10%) in aggregate principal amount of the Bonds then Outstanding.

SECTION 407. Transfer of Balance in Construction Fund.
When the construction of the Project shall have been completed, which fact shall be evidenced by the filing with the City Finance Director of a certificate, signed by an Authorized Officer and approved by an Appropriate Consultant, setting forth the date of such completion and also stating that requisitions have been made for the payment of all obligations which are payable from the Construction Fund, accompanied by an opinion of the City Attorney stating that the City has acquired title to all property, lands, property rights, rights of way, franchises, easements and other interests in lands necessary for the operation of the Project, free from all liens or encumbrances except liens, encumbrances or other defects of title which do not have a materially adverse effect upon the City's right to use such properties for the purposes intended or which have been adequately guarded against by a bond or other form of indemnity, that there are no uncanceled mechanics', laborers', contractors', or materialmen's liens on the Project or on file in any public office where the same should be filed in order to be valid liens against any part of such property, and that the time within which such liens can be filed has expired, the balance in the Construction Fund not reserved by the City for the payment of any remaining part of the Cost of the Project shall be transferred by the City Finance Director to the City for deposit to the credit of the Interest Account.

ARTICLE V.

REVENUES AND FUNDS.

SECTION 501. Covenants as to Rates. The City covenants, subject to applicable requirements imposed by law, that it will at all times fix, charge and collect rates, fees, rentals and charges for the services and facilities furnished by the Air Cargo Facilities, and that from time to time and as often as it shall appear necessary, it will revise such rates, fees, rentals and charges as may be necessary or appropriate, in order that the Revenues will at all times be at least sufficient:

(i) Beginning on the date of the issuance of the Series A Bonds to provide for the payment of Current Expenses, and

(ii) Beginning in the first complete Fiscal Year following the Fiscal Year in which the construction of the Project is completed, which fact shall be evidenced in the manner set forth in Section 407,

(a) to provide for the payment of Current Expenses, and

(b) to provide one hundred twenty per centum (120%) of the amount of the maximum Principal and Interest Requirements for any Bond Year thereafter on account of the Bonds of each Series then Outstanding.

Forthwith upon the adoption of any revision of such rates, fees and charges the City will cause copies thereof to be filed with each Holder of Record.

The City further covenants that if the Revenues in any Fiscal Year as shown by the City's audit shall be less than the total amount set forth in the second paragraph of this Section, then it shall, as promptly as possible, request an Appropriate Consultant to make recommendations as to a revision of such rates, fees, rentals and charges, its Current Expenses or the method of operation of the Air Cargo Facilities in order to satisfy the foregoing requirements of this Section. Copies of such request and of such recommendations of the Appropriate Consultant shall be mailed by the City to the Local Government Commission and each Holder of Record. The City covenants and agrees that promptly upon its receipt

of such recommendations it shall, subject to applicable requirements imposed by law, revise such rates, fees, rentals and charges and shall take such other action respecting its Current Expenses or the method of operation of the Air Cargo Facilities as shall be in conformity with such recommendations.

In the event that the City shall fail to revise such rates, fees, rentals and charges in accordance with the provisions of this Section, the Holders of not less than ten per centum (10%) in aggregate principal amount of the Bonds then Outstanding may, without regard to whether an event of default, as defined in Section 802 of this Order, shall have occurred, institute and prosecute an action or proceeding in any court or before any board or commission having jurisdiction to compel the City to revise such rates, fees, rentals and charges and revise its Current Expenses or the method of operation of the Air Cargo Facilities in accordance with the requirements of this Section. The City covenants that it will revise such rates, fees, rentals and charges in compliance with any decree or order entered in any such proceeding; provided, however, that the City reserves the right not to revise such rates, fees, rentals and charges and revise its Current Expenses or the method of operation of the Air Cargo Facilities so long as the validity thereof shall be contested in good faith and by appropriate legal or administrative proceedings.

Anything in this Order to the contrary notwithstanding, if the City shall comply with all recommendations of such Appropriate Consultant in respect to said rates, fees, rentals and charges, Current Expenses and method of operation it will not constitute an event of default under the provisions of clause (i) of Section 802 of this Order if such deposits and transfers to the credit of the Revenue Fund shall be less than the total of the amounts referred to above.

SECTION 502. Revenue Fund. A special fund is hereby created and designated "City of Charlotte Air Cargo Facilities Revenue Fund" (the "Revenue Fund"). The City covenants that all Revenues derived from the operation or ownership of the Air Cargo Facilities shall be deposited as received to the credit of the Revenue Fund. All moneys so deposited under the provisions of this Section shall be held in trust and applied only in accordance with the provisions of this Order and shall not be subject to lien or attachment by any creditor of the City.

SECTION 503. Budgets and Covenants as to Current Expenses. The City covenants that on or before the 1st day of June in each Fiscal Year it will prepare a preliminary budget for the ensuing Fiscal Year, such budget to include the City's estimates of Current Expenses and the Revenues of the Air Cargo Facilities.

The City further covenants that on or before the first day of each Fiscal Year it will finally adopt the budget for such Fiscal Year (herein sometimes called the "Annual Budget"). Copies of the Annual Budget shall be promptly mailed by the City to the Local Government Commission and each Holder of Record.

If for any reason the City shall not have adopted the Annual Budget before the first day of any Fiscal Year, the preliminary budget for such Fiscal Year or, if there is no such preliminary budget, the budget for the preceding Fiscal Year shall, until the adoption of the Annual Budget, be deemed to be in force and shall be treated as the Annual Budget under the provisions of this Article.

The City may at any time adopt an amended or supplemental Annual Budget for the remainder of the then current Fiscal Year as shall be necessary, and any Annual Budget so amended or supplemented shall be treated as the Annual Budget under the provisions of this Article. Copies of any such amended or supplemental Annual Budget shall be mailed by the City to the Local Government Commission and each Holder of Record.

The City further covenants that the amount expended for Current Expenses in any Fiscal Year will not exceed the reasonable and necessary amount thereof and that it will not expend any amount for Current Expenses in excess of the total amount provided for Current Expenses in the Annual Budget. Nothing in this Section contained shall limit the amount which the City may expend for Current Expenses in any Fiscal Year, provided any amounts expended therefor in excess of the total amount provided in the Annual Budget shall be received by the City from some source other than the Revenues of the Air Cargo Facilities and the City shall not make any reimbursement therefor from such Revenues.

SECTION 504. Operation and Maintenance Fund. It shall be the duty of the City, on or before the first business day of each month following the month during which payment shall be made for the Bonds issued under the provisions of Section

208 of this Order, to withdraw from the Revenue Fund and deposit with a Depository or Depositories, to the credit of a special fund which is hereby created and designated "City of Charlotte Air Cargo Facilities Operation and Maintenance Fund" (the "Operation and Maintenance Fund"), such amount as shall be set forth in a requisition signed by an Authorized Officer. Payments from the Operation and Maintenance Fund shall be made upon checks therefor signed by an Authorized Officer, provided that no such payment shall be made if the amount of such payment is in excess of the unencumbered balance of the appropriations in the Annual Budget for Current Expenses.

SECTION 505. Establishment of Funds and Deposit of Revenues. A special fund is hereby created and designated "City of Charlotte Air Cargo Facilities Revenue Bond Service Fund" (the "Bond Service Fund"). There are hereby created three separate accounts in the Bond Service Fund designated "Interest Account", "Principal Account" and "Sinking Fund Account". Four other special funds are hereby created and designated "City of Charlotte Air Cargo Facilities Revenue Bonds Debt Service Reserve Fund" (the "Debt Service Reserve Fund"), "City of Charlotte Air Cargo Facilities Maintenance Reserve Fund" (the "Maintenance Reserve Fund"), "City of Charlotte Air Cargo Facilities Improvement Fund" (the "Improvement Fund"), and "City of Charlotte Air Cargo Facilities Revenue Bonds Redemption Fund" (the "Redemption Fund").

The moneys in the Bond Service Fund, the Debt Service Reserve Fund, the Maintenance Reserve Fund, the Improvement Fund and the Redemption Fund shall be held by the Depository or Depositories thereof in trust, separate and apart from all other funds of the City, and shall be applied as hereinafter provided with respect to each of such Funds and, pending such application, shall be subject to a lien and charge in favor of the Holders of Bonds Outstanding under this Order and for the security of such Holders until paid out or transferred as herein provided.

It shall be the duty of the City Finance Director, on or before the 25th day of each month, after making the deposit to the credit of the Operation and Maintenance Fund under the provisions of Section 504 of this Article, beginning with the month fixed in the Series Order for the Series A Bonds, except as hereinafter in this paragraph otherwise provided, to withdraw from the Revenue Fund an amount equal to the amount of all moneys held for the credit

of the Revenue Fund on the last day of the preceding month and to deposit the sum so withdrawn to the credit of the following accounts or funds in the following order:

(a) to the credit of the Interest Account, commencing with the sixth month prior to each interest payment date, one-sixth (1/6) of the amount of interest becoming due and payable on the next ensuing interest payment date on all Bonds then Outstanding, after taking into account any amounts then held for the credit of the Interest Account for the payment of such interest;

(b) to the credit of the Principal Account, commencing with the twelfth month prior to the first maturity of the Serial Series A Bonds, one-twelfth (1/12) of the next maturing installment of principal of the Serial Bonds of each Series then Outstanding after taking into account any amounts then held for the credit of the Principal Account for the payment of such principal;

(c) to the credit of the Sinking Fund Account, commencing with the twelfth month prior to the first Sinking Fund Requirement with respect to the Series A Bonds, or earlier if required by the issuance of any additional Term Bonds, one-twelfth (1/12) of the amount required to retire the Term Bonds to be called for mandatory redemption or to be paid at maturity on the next ensuing July 1 in accordance with the Sinking Fund Requirement therefor, after taking into account any amounts then held for the credit of the Sinking Fund Account for such purpose;

(d) to the credit of the Debt Service Reserve Fund, commencing in the month following the month in which moneys are transferred from the Debt Service Reserve Fund to any account in the Bond Service Fund pursuant to Section 509 of this Order, one-twelfth (1/12) of the amount or amounts so transferred until the amount then on deposit in the Debt Service Reserve Fund is equal to the Debt Service Reserve Requirement;

(e) to the credit of the Maintenance Reserve Fund, such amount, if any, of the balance remaining after making the deposits under clauses (a), (b), (c) and (d) above (or the entire balance if less than the required amount) as is required to make the amount in

the Maintenance Reserve Fund equal to \$500,000; provided, however, that the amount to be withdrawn from the Revenue Fund and deposited to the credit of the Maintenance Reserve Fund in any month need not exceed one-sixtieth (1/60) of the amount required to be held for the credit of such Fund; and

(f) to the credit of the Improvement Fund, the balance, if any, remaining after making the deposits under clauses (a) to (e), inclusive, above.

If the moneys deposited to the credit of the Bond Service Fund, the Debt Service Reserve Fund and the Maintenance Reserve Fund in any month shall be less than the required amounts under clauses (a), (b), (c), (d) or (e) above, then the amount of any deficiency in any such deposit shall be added to the amount otherwise required to be deposited in each month thereafter until such time as all such deficiencies shall have been made up.

SECTION 506. Application of Moneys in Interest Account.
The City Finance Director shall, not later than one business day prior to each interest payment date, withdraw from the Interest Account and remit by mail to each owner of registered Bonds without coupons the amounts required for paying the interest on such Bonds as such interest becomes due and payable and set aside or deposit in trust with the Paying Agents the amounts required for paying the interest on coupon Bonds as such interest becomes due and payable.

SECTION 507. Application of Moneys in Principal Account.
The City Finance Director shall, not later than one business day prior to each principal payment date, withdraw from the Principal Account and set aside or deposit in trust with the Paying Agents the amounts required for paying the principal of all Serial Bonds as such principal becomes due and payable.

SECTION 508. Application of Moneys in Sinking Fund Account. Moneys held for the credit of the Sinking Fund Account shall be applied during each Bond Year to the retirement of Term Bonds of each Series then Outstanding as follows:

(a) The City Finance Director shall endeavor to purchase Term Bonds or portions of Term Bonds of each such Series stated to mature on the next maturity date or mandatory redemption date for Term Bonds of such Series then Outstanding at the most

advantageous price obtainable with reasonable diligence, such price not to exceed the Redemption Price which would be payable on the next redemption date to the Holders of such Term Bonds under the provisions of Article III of this Order if such Term Bonds or portions of Term Bonds should be called for redemption on such date, from the moneys in the Sinking Fund Account. The City Finance Director shall pay the interest accrued on such Term Bonds or portions of Term Bonds to the date of settlement therefor from the Interest Account and the purchase price from the Sinking Fund Account, but no such purchase shall be made by the City Finance Director within the period of forty-five (45) days immediately preceding the next date when such Term Bonds are subject to redemption, except from moneys other than the moneys set aside in the Sinking Fund Account for the redemption of Term Bonds. The aggregate purchase price of such Term Bonds of such Series so purchased in any Bond Year shall not exceed the amount deposited in the Sinking Fund Account on account of the Sinking Fund Requirements for such Term Bonds of such Series for such Bond Year; provided, however, that if in any Bond Year the amount held for the credit of the Sinking Fund Account plus the principal amount of all Term Bonds purchased during such Bond Year pursuant to the provisions of this paragraph (a) exceeds the aggregate Sinking Fund Requirements for all Term Bonds then Outstanding for such Bond Year, the City Finance Director shall endeavor to purchase any Term Bonds then Outstanding with such excess moneys;

(b) The City Finance Director shall call for redemption on the July 1 immediately following each Bond Year, as provided in Section 301 of this Order, a principal amount of such Term Bonds or portions of Term Bonds of each Series then subject to redemption equal to the Sinking Fund Requirement for the Term Bonds of each such Series for such Bond Year less the principal amount of any such Term Bonds retired by purchase pursuant to clause (a) of this Section. If the amount available in the Sinking Fund Account in such Bond Year shall not be equal to the Sinking Fund Requirement for the Term Bonds of each such Series for such Bond Year less the principal amount of any such Term Bonds so retired by purchase, then the City Finance Director shall apply the amount

available in the Sinking Fund Account to such redemption in proportion to the Sinking Fund Requirement for such Bond Year for the Term Bonds of each Series then Outstanding. Such redemption shall be made pursuant to the provisions of Article III of this Order. If such July 1 shall be the stated maturity date of any such Term Bonds, the City Finance Director shall not call such Bonds for redemption but shall, not later than one business day prior to such maturity date, withdraw from the Sinking Fund Account, and set aside or deposit in trust with the Paying Agents, the amount required for paying the principal of such Bonds as such principal becomes due and payable. Prior to calling Term Bonds or portions of Term Bonds for redemption the City Finance Director shall withdraw from the Interest Account and from the Sinking Fund Account and set aside in separate accounts or deposit with the Paying Agents the respective amounts required for paying the interest on and the Redemption Price of the Term Bonds or portions of Term Bonds so called for redemption. If at any date there shall be moneys in the Sinking Fund Account and no Term Bonds shall be then Outstanding, the moneys therein shall be withdrawn therefrom by the City Finance Director and deposited to the credit of the Revenue Fund.

Upon retirement of any Term Bonds by purchase or redemption pursuant to the provisions of this Section, the City Finance Director shall file in his office and with the Local Government Commission a statement identifying such Bonds and setting forth the date of their purchase or redemption, the amount of the purchase price or the Redemption Price of such Bonds and the amount paid as interest thereon. The expenses in connection with the purchase or redemption of any such Bonds shall be paid by the City from the Operation and Maintenance Fund.

SECTION 509. Application of Moneys in Debt Service Reserve Fund. If at any time the moneys held for the credit of the Bond Service Fund shall be insufficient to pay when due the interest on the Bonds and the principal of the Serial Bonds and to provide funds for the retirement of Term Bonds to the extent of the Sinking Fund Requirements therefor, then the City Finance Director shall, not later than one business day prior to the applicable interest payment date or principal payment date transfer from the Debt Service Reserve Fund to the credit of the Bond Service Fund an amount sufficient to make up any such deficiency,

such amount to be deposited to the credit of the accounts in the Bond Service Fund in the order and amounts as provided in Section 505 of this Order.

If at any time the moneys held for the credit of the Debt Service Reserve Fund shall exceed the Debt Service Reserve Requirement, the City Finance Director shall withdraw from the Debt Service Reserve Fund the amount of any excess therein over the Debt Service Reserve Requirement and transfer the amount so withdrawn to the credit of the Interest Account, the Principal Account or the Sinking Fund Account, as the City shall elect. The City Finance Director shall also withdraw certain excess moneys to the payment of Bonds to be refunded to the extent and in the manner provided in Section 210 of this Order.

SECTION 510. Application of Moneys in Maintenance Reserve Fund. Except as hereinafter provided in this Section and in Section 707 of this Order, moneys held for the credit of the Maintenance Reserve Fund shall be disbursed only for paying all or part of the cost of unusual or extraordinary maintenance, repairs, renewals or replacements to the Air Cargo Facilities and engineering and other expenses incurred in connection therewith.

All disbursements by the City pursuant to the provisions of this Section shall be made in accordance with the provisions of Section 504 of this Article for payments from the Operation and Maintenance Fund to the extent that such provisions may be applicable.

If at any time the moneys held for the credit of the Bond Service Fund shall be insufficient to pay when due the interest on the Bonds and the principal of the Serial Bonds and to provide funds for the retirement of Term Bonds to the extent of the Sinking Fund Requirements therefor, and if the amounts transferred to the credit of the Bond Service Fund from the Debt Service Reserve Fund are insufficient to make up such deficiency, the City shall, not later than one business day prior to the applicable interest payment date or principal payment date, withdraw from the Maintenance Reserve Fund and deposit to the credit of the Bond Service Fund an amount sufficient to make up any such deficiency, such amount to be deposited to the credit of the accounts in the Bond Service Fund in the order and the amounts as provided in Section 505 of this Order. Any moneys so withdrawn from the Maintenance Reserve Fund and deposited to the

credit of the Bond Service Fund shall be restored from available moneys in the Revenue Fund.

If the moneys held for the credit of the Maintenance Reserve Fund shall at any time exceed the required amount for the Maintenance Reserve Fund, the City may transfer to the credit of the Revenue Fund such amount of such excess as is not required for the purposes of the Maintenance Reserve Fund.

Any interest earned or other income derived from the investment or deposit of moneys held for the credit of the Maintenance Reserve Fund shall be deposited by the City upon the receipt thereof to the credit of the Revenue Fund; provided, however, that such interest or other income may be retained by the City in the Maintenance Reserve Fund to the extent, if any, needed to increase the amount then held for the credit of the Maintenance Reserve Fund so that it equals the amount then required to be held for the credit of such Fund under the provisions of this Article.

SECTION 511. Application of Moneys in Improvement Fund. Except as hereinafter provided in this Section and in Section 707 of this Order, moneys held for the credit of the Improvement Fund shall be used only for the purpose of paying the cost of extensions, improvements, enlargements, renewals and replacements of the Air Cargo Facilities.

If at any time the moneys held for the credit of the Bond Service Fund shall be insufficient to pay when due the interest on the Bonds and the principal of the Serial Bonds and to provide funds for the retirement of the Term Bonds to the extent of the Sinking Fund Requirement therefor, and if the amounts transferred to the credit of the Bond Service Fund from the Debt Service Reserve Fund and the Maintenance Reserve Fund are insufficient to make up such deficiency, the City shall, not later than one business day prior to the applicable interest payment date or principal payment date, withdraw from the Improvement Fund and deposit to the credit of the Bond Service Fund an amount sufficient to make up any such deficiency, such amount to be deposited to the credit of the accounts in the Bond Service Fund in the order and the amounts as provided in Section 506 of this Order. Any moneys so withdrawn from the Improvement Fund and deposited to the credit of the Bond Service Fund shall be restored from available moneys in the Revenue Fund.

Any interest earned or other income derived from the investment or deposit of moneys held for the credit of the Improvement Fund shall be retained by the City in the Improvement Fund; provided, however, that the City Council shall have the right to appropriate moneys in the Improvement Fund for general improvements to Douglas Municipal Airport.

SECTION 512. Application of Moneys in Redemption Fund.
Moneys held for the credit of the Redemption Fund shall be applied to the purchase or redemption of Bonds or portions of Bonds, including the payment of premiums, if any, as follows:

(a) Subject to the provisions of paragraph (c) of this Section, the City Finance Director shall endeavor to purchase Bonds or portions of Bonds then Outstanding, whether or not such Bonds or portions of Bonds shall then be subject to redemption, at the most advantageous price obtainable with reasonable diligence, such price not to exceed the Redemption Price which would be payable on the next ensuing redemption date to the Holders of such Bonds under the provisions of Article III of this Order if such Bonds or portions of Bonds should be called for redemption on such date from moneys in the Redemption Fund. The City Finance Director shall pay the interest accrued on such Bonds or portions of Bonds to the date of settlement therefor from the Interest Account and the purchase price from the Redemption Fund, but no such purchase shall be made by the City Finance Director within the period of forty-five (45) days immediately preceding any date on which such Bonds are subject to call for redemption under the provisions of this Order except from moneys other than the moneys set aside in the Redemption Fund for the redemption of Bonds.

(b) Subject to the provisions of Article III of this Order and paragraph (c) of this Section, the City Finance Director shall call for redemption on each date on which Bonds are subject to redemption from moneys in the Redemption Fund such amount (computed on the basis of Redemption Prices) of Bonds or portions of Bonds then subject to redemption as will exhaust the moneys then held for the credit of such fund as nearly as may be; provided, however, that not less than Fifty Thousand Dollars (\$50,000) principal amount of Bonds shall

be called for redemption at any one time. Such redemption shall be made pursuant to the provisions of Article III of this Order. Prior to calling Bonds or portions of Bonds for redemption the City Finance Director shall withdraw from the Interest Account and from the Redemption Fund and set aside in separate accounts or deposit in trust with the Paying Agents the respective amounts required for paying the interest on and the Redemption Price of the Bonds or portions of Bonds so called for redemption.

(c) The moneys in the Redemption Fund may be applied by the City Finance Director pursuant to the provisions of paragraph (a) of this Section to the purchase of Bonds or portions of Bonds of any Series. The moneys in the Redemption Fund applied to the redemption of Bonds or portions of Bonds pursuant to the provisions of paragraph (b) of this Section shall be applied to the redemption of Bonds or portions of Bonds of each Series in proportion, as nearly as practicable, to the respective total amounts of the Bonds of each Series which are then Outstanding and are then subject to redemption; provided, however, that, subject to the provisions of the Series Orders for such Bonds, the City Finance Director shall have the right to call for redemption any or all of the Outstanding Bonds or portions of Bonds redeemable without the payment of any redemption premium prior to calling for redemption any Bonds or portions of Bonds redeemable upon the payment of a redemption premium.

The City shall pay from the Operation and Maintenance Fund all expenses in connection with the purchase or redemption of Bonds or portions of Bonds.

SECTION 513. Moneys Held in Trust. All moneys which the City shall have withdrawn from the Bond Service Fund or shall have received from any other source and set aside or deposited with the City Finance Director, for the purpose of paying any of the Bonds hereby secured, either at the maturity thereof or upon call for redemption, or for the purpose of paying any maturing coupons appertaining to any of the coupon Bonds hereby secured, shall be held in trust for the respective Holders of such Bonds or coupons in special accounts as herein provided and such moneys shall not be subject to lien or attachment by any creditor of the City or the City Finance Director. Any moneys which shall be so set aside or deposited by the City and which shall

remain unclaimed by the Holders of such Bonds or such coupons for the period of six (6) years after the date on which such Bonds or such coupons shall have become due and payable upon request in writing be paid to the City or to such officer, board or body as may then be entitled by law to receive the same, and thereafter the Holders of such Bonds or coupons shall look only to the City or to such officer, board or body, as the case may be, for payment and then only to the extent of the amounts so received without any interest thereon, and the City Finance Director shall have no responsibility with respect to such moneys.

SECTION 514. Cancellation of Bonds and Coupons. All Bonds paid, redeemed or purchased, either at or before maturity, together with all unmatured coupons, if any, appertaining thereto, shall be cancelled upon the payment, redemption or purchase of such Bonds and shall be delivered to the City Finance Director when such payment, redemption or purchase is made. All coupons which are paid by the Paying Agents shall be cancelled upon their payment and delivered to the City Finance Director. Except for such coupons, all Bonds and coupons cancelled under any of the provisions of this Order shall be destroyed by the City Finance Director, who shall execute a certificate describing the Bonds and coupons so destroyed except that the numbers of the Bonds to which such coupons appertain may be omitted, and such certificate shall be retained by the City Finance Director. The coupons so paid by any Paying Agent shall be destroyed by such Paying Agent, which shall execute a certificate in duplicate describing the coupons so destroyed except that the numbers of the Bonds to which such coupons appertain may be omitted unless otherwise directed by the City, and one executed certificate shall be filed with the City Finance Director and the other executed certificate shall be retained by such Paying Agent.

SECTION 515. Use of Available Funds. Except as otherwise provided herein, nothing herein shall be construed to prevent the City from paying all or any part of the Current Expenses from any moneys available to the City for such purpose, or from depositing in any fund or account created under the provisions of this Order any moneys available to the City for such deposit.

SECTION 516. Disposition of Balances After Payment of Bonds. After provision shall be made for the payment of all Bonds secured hereby and the interest thereon and all

expenses and charges herein required to be paid, any balance in any fund held under the provisions of this Order shall be transferred to the City for any lawful purpose.

ARTICLE VI.

DEPOSITARIES OF MONEY, SECURITY FOR
DEPOSITS AND INVESTMENT OF FUNDS.

SECTION 601. Security for Deposits. All moneys received by the City under the provisions of this Order shall be deposited as received with the City Finance Director in trust or one or more other Depositaries as provided in this Order and shall be trust funds under the terms hereof and shall not be subject to any lien or attachment by any creditor of the City, the City Finance Director or any other Depository. Such moneys shall be applied in accordance with the provisions of this Order.

All moneys deposited with the City Finance Director or any other Depository hereunder in excess of the amount guaranteed by the Federal Deposit Insurance Corporation or other federal agency shall be continuously secured by the City Finance Director or such Depository, for the benefit of the City and the Holders of the Bonds, either (a) by lodging with a bank or trust company approved by the City as custodian, as collateral security, Investment Obligations described in (i), (ii) or (iii) of the definition thereof in Section 101 of this Order, having a market value (exclusive of accrued interest) not less than the amount of such deposit, or (b) if the furnishing of security as provided in clause (a) above is not permitted by applicable law, then in such other manner as may then be required or permitted by applicable State or federal laws and regulations regarding the security for, or granting a preference in the case of, the deposit of municipal funds; provided, however, that it shall not be necessary for any Paying Agent to give security for the deposit of any money with it for the payment of the principal of or redemption premium or the interest on any Bonds issued hereunder, or for the City Finance Director or any Depository to give security for any moneys which shall be represented by obligations purchased under the provisions of this Article as an investment of such moneys.

All moneys deposited with the City Finance Director or any other Depository shall be credited to the particular fund or account to which such moneys belong.

SECTION 602. Investment of Moneys. Moneys held for the credit of the Construction Fund, the Revenue Fund, the Bond Service Fund, the Redemption Fund and the Operation and Maintenance Fund by the City shall, as nearly as may be

practicable, be continuously invested and reinvested in Investment Obligations which shall mature, or shall be subject to redemption by the holder thereof, at the option of such holder, not later than the respective dates when the moneys held for the credit of each of such funds will be required for the purposes intended.

Moneys held for the credit of the Debt Service Reserve Fund shall, as nearly as may be practicable, be continuously invested and reinvested in Investment Obligations which shall mature, or which shall be subject to redemption by the holder thereof, at the option of such holder, not later than two years after the date of such investment with respect to twenty percent (20%) of the amount held for the credit of such Fund and shall have an average maturing life of not more than ten years after the date of such investment.

Moneys held for the credit of the Maintenance Reserve Fund and the Improvement Fund shall, as nearly as may be practicable, be continuously invested and reinvested in Investment Obligations which shall mature, or which shall be subject to redemption by the holders thereof, at the option of such holder, not later than five years after the date of such investment.

Obligations so purchased as an investment of, and any interest-bearing certificates of deposit made with respect to, any moneys credited to any such fund or account shall be deemed at all times to be a part of such fund or account. The City Finance Director shall sell at the best price obtainable or present for redemption any obligations so purchased or present for payment any such certificates of deposit whenever it shall be necessary so to do in order to provide moneys to make any payment or transfer of moneys from any such fund or account. The City Finance Director shall not be liable or responsible for any loss resulting from any such investment.

For the purpose of determining the amount on deposit to the credit of any such fund or account, obligations in which moneys in such fund or account shall have been invested shall be valued at cost plus amortization of discount or minus amortization of premium.

SECTION 603. Tax Covenant. The City covenants and agrees that it will not make or permit any use of the proceeds of the Bonds which, if such use had been reasonably expected on the day of the issuance of the Bonds, would have

caused the Bonds to be "arbitrage bonds" within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, and applicable regulations promulgated from time to time thereunder, and further covenants that it will observe and not violate the requirements of Section 103(c) of said Code and any such applicable regulations.

ARTICLE VII.

PARTICULAR COVENANTS.

SECTION 701. Payment of Principal, Interest and Premium. The City covenants that it will pay when due, solely from the Revenues and any other moneys made available under this Order, the principal of and the interest on every Bond issued under the provisions of this Order at the places, on the dates and in the manner provided herein and in said Bonds and in any coupons appertaining to said Bonds, and any premium required for the retirement of said Bonds by purchase or redemption, according to the true intent and meaning thereof. The City further covenants that it will faithfully perform at all times all of its covenants, undertakings and agreements contained in this Order, in any Bond executed and delivered hereunder, or in any proceedings of the City pertaining thereto. The City represents that it is duly authorized under the Constitution and laws of the State of North Carolina, particularly the Enabling Act, to issue the Bonds authorized hereby and to create a pledge of the funds and accounts pledged hereunder in the manner and to the extent herein set forth; that the City has fee simple title to the Air Cargo Facilities or title to or rights sufficient in the Air Cargo Facilities for the needs and purposes of the Air Cargo Facilities, free from all liens, encumbrances and defects of title which do not have a materially adverse effect upon the City's right to use the Air Cargo Facilities for the purposes intended, and that the Bonds in the hands of the Holders thereof are and will be valid and binding special obligations of the City in accordance with their terms.

The Bonds shall not be deemed to constitute a debt, liability or obligation of the City of Charlotte. The City shall not be obligated to pay the Bonds except from the Revenues made available therefor hereunder and neither the faith and credit nor the taxing power of the State of North Carolina or of the City is pledged to the payment of the principal of and the interest on the Bonds.

SECTION 702. Construction of Project and Certain Improvements and Security therefor. The City covenants that it will forthwith proceed to construct the Project in accordance with plans and specifications which shall have been approved by an Appropriate Consultant and in conformity with law and all requirements of all governmental authorities having jurisdiction thereover, and that it will com-

plete such construction with all expedition practicable. The City further covenants that, in the event that Bonds shall be issued under the provisions of Section 209 of this Order, it will forthwith proceed to acquire and construct the Improvements for which the Bonds of each Series shall be issued in accordance with plans and specifications which shall have been approved by an Appropriate Consultant and in conformity with law and all requirements of all governmental authorities having jurisdiction thereover, and that it will complete such construction with all expedition practicable. The City further covenants that upon placing in operation the Project or any such Improvements it will deliver to the City Finance Director a certificate, signed by the Airport Manager, stating the date upon which such fact occurred.

The City further covenants that it will require of each contractor who is awarded any construction contract on account of the construction of the Project or any Improvements which exceeds the amount of Ten Thousand Dollars (\$10,000) or such lower or greater amount as may be required or permitted by law a performance bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract, and a payment bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the prompt payment for all labor and materials for which a contractor or subcontractor is liable, such bonds to be executed by one or more surety companies legally authorized to do business in the State and to become effective upon the awarding of the construction contract, subject to change as provided by law, and that it will require each contractor to carry such workmen's compensation or employers' liability insurance as may be required by law and such public liability and property damage insurance, including provisions to indemnify and save the City harmless, and such builders' risk insurance, if any, as the City shall deem necessary after considering the recommendations of an Appropriate Consultant, the City further covenants that in the event of any default under any such contract and the failure of the surety to complete the contract, the proceeds of such performance bond will forthwith, upon receipt of such proceeds, be deposited to the credit of the Construction Fund or the special construction account established to pay the Cost of Improvements or any remaining part of the Cost of, or completing, the Project or Improvements, as the case may be, and will be applied toward the completion of the

contract in connection with which such performance bond shall have been furnished.

SECTION 703. Use and Operation of Air Cargo Facilities. The City covenants that it will establish and enforce reasonable rules and regulations governing the use of the Air Cargo Facilities and the operation thereof, that all conditions of employment and all compensation, salaries, fees and wages paid by it in connection with the maintenance, repair and operation of the Air Cargo Facilities will be reasonable, that no more persons will be employed by it than are necessary, that all persons employed by it will be qualified for their respective positions, that it will maintain and operate, or cause to be maintained and operated, the Air Cargo Facilities in an efficient and economical manner, that, from the Revenues, it will at all times maintain the same in good repair and in sound operating condition and will make all necessary repairs, renewals and replacements, that it will comply, subject to the right to contest, with all valid acts, rules, regulations, orders and directives, or any legislative, executive, administrative or judicial body applicable to the Air Cargo Facilities and that it will observe and perform all of the terms and conditions contained in the Enabling Act.

SECTION 704. Payment of Lawful Charges. The City covenants that, except as provided in this Order, it will not create or suffer to be created any lien or charge upon the Air Cargo Facilities or any part thereof or upon the Revenues therefrom other than the lien and charge of the Bonds upon such Revenues, and that, from such Revenues or other available funds, it will pay all taxes and assessments or other municipal or governmental charges lawfully levied or assessed upon the City or the Air Cargo Facilities or the Revenues, and that it will pay or cause to be discharged, or will make adequate provision to satisfy and discharge, within sixty (60) days after the same shall accrue, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the Air Cargo Facilities or any part thereof or the Revenues; provided, however, that nothing in this Section contained shall require the City to pay or cause to be discharged, or make provision for, any such lien or charge so long as the validity thereof shall be contested in good faith and by appropriate legal or administrative proceedings.

SECTION 705. Constructing and Maintaining Air Cargo Facilities from Other Funds. Notwithstanding any other

provision of this Order, the City may accept from the United States of America, the State, any of their agencies, departments or political subdivisions or any person, firm or corporation such moneys as may be offered for the purpose of paying all or any part of the cost of constructing, acquiring, maintaining, repairing and operating the Air Cargo Facilities.

SECTION 706. Employment of Consultants. The City covenants that it will employ an Appropriate Consultant for the purpose of performing and carrying out the duties imposed by this Order on each such respective consultant.

SECTION 707. Insurance and Repair or Replacement of Damaged or Destroyed Property. The City covenants that it will maintain a practical insurance program, with reasonable terms, conditions, provisions and costs, which it determines, upon the opinion and recommendations of an Appropriate Consultant in the area of consulting engineering, will afford adequate protection against loss, including loss of Revenues, caused by damage to or destruction of the Air Cargo Facilities or any part thereof and also such comprehensive liability insurance on all of the Air Cargo Facilities for bodily injury and property damage resulting from the construction or operation of the Air Cargo Facilities in such amounts as the City may determine. All such insurance policies shall be carried in a responsible insurance company or companies authorized and qualified to assume the risks thereof.

All such policies shall be for the benefit of the City, shall be made payable to the City and shall remain with the City, and the City shall have the sole right to receive the proceeds of such insurance and to collect and receipt for claims thereunder. The proceeds of such insurance shall be available for and shall be applied to the repair, replacement or reconstruction of the damaged or destroyed property to an extent that the City determines to be desirable. If such proceeds shall be insufficient for such purpose, then the deficiency shall be supplied by the City from any moneys held for the credit of the Maintenance Reserve Fund or the Improvement Fund. Any such proceeds which are not so applied shall be available for paying the Cost of Improvements or for the deposit to the credit of the Maintenance Reserve Fund, the Improvement Fund or the Redemption Fund as the City may determine.

Copies of all opinions and recommendations made by any such consultants under the provisions of this Section shall be filed with the City.

Within the third quarter of each Fiscal Year the City shall mail to such Appropriate Consultant a report, listing the policies of insurance then outstanding and in force, the names of the companies issuing such insurance, the amounts and expiration date or dates of such insurance and the risks covered thereby.

SECTION 708. Inspection and Settlement of Insurance Claims. All insurance policies referred to in Section 707 of this Article shall be open at all reasonable times to the inspection of the Holders of Bonds and their agents and representatives.

Any appraisal or adjustment of any loss or damage in excess of \$100,000 under any policy and any settlement or payment of indemnity under any such policy which may be agreed upon by the City and any insurer shall be evidenced by a certificate, signed by an Authorized Officer, approved by an Appropriate Consultant in the area of consulting engineering and filed with the City Finance Director.

SECTION 709. No Inconsistent Action. The City covenants that none of the Revenues will be used for any purpose other than as provided in this Order and that no contract or contracts will be entered into or any action taken by it which shall be inconsistent with the provisions of this Order.

SECTION 710. Further Instruments and Actions. The City covenants that it will, from time to time, execute and deliver such further instruments and take such further action as may be required to carry out the purposes of this Order.

SECTION 711. Reports and Audits. The City covenants that it will keep the funds and accounts of the Air Cargo Facilities separate from all other funds and accounts of the City, and that it will keep accurate records and accounts of all items of Cost and of all expenditures relating to the Air Cargo Facilities and of the Revenues collected and the application of such Revenues. Such records and accounts shall be open at all reasonable times to the inspection of the Holders of the Bonds and their agents and representatives.

The City further covenants, beginning in the month after the delivery of the Series A Bonds that it will mail to the Local Government Commission, to each Holder of Record, and to any Appropriate Consultant which shall have

filed its name and address with the City Finance Director for such purpose, a report signed by the City Finance Director setting forth in respect of the preceding month:

- (a) in reasonable detail, the Revenues and the Current Expenses of the Air Cargo Facilities (i) for such month, (ii) for all months of the current Fiscal Year including such month and (iii) for periods for the preceding Fiscal Year comparable to such periods,
- (b) the total of all deposits to the credit of and withdrawals from each fund and account created under the provisions of this Order during such period,
- (c) the details of all Bonds issued, paid, purchased or redeemed during such period,
- (d) a balance sheet as of the end of such period,
- (e) the amounts on deposit to the credit of each such fund and account, the security therefor, and the details of any investments thereof,
- (f) the amounts of the proceeds received from any sale of property pursuant to the provisions of Section 712 of this Article and the amounts of the proceeds of any insurance received pursuant to the provisions of Section 707 of this Article, and the disposition thereof, and
- (g) any revisions during such period of the rates, fees and charges for the use of and for the services and facilities furnished or to be furnished by the Air Cargo Facilities.

The City further covenants that within one hundred twenty (120) days after the close of each Fiscal Year it will cause an audit to be made of its books and accounts relating to the Air Cargo Facilities for the preceding Fiscal Year by an independent certified public accountant, and will itself prepare an annual report of operations of the Air Cargo Facilities, such annual report to cover the matters usually contained in annual reports for similar facilities. Immediately upon the receipt of each such audit report and each such annual report, copies thereof shall be filed with the City and the Local Government Commission and shall be mailed by

the City to each Holder of Record. Each such audit report shall set forth in respect to the preceding Fiscal Year the same matters as are hereinabove required for the monthly reports. During the course of performing the audit, such Independent Public Accountant will perform a review of the provisions of this Order and by letter addressed to the City set forth its findings as to whether the moneys received by the City under the provisions of this Order during such Fiscal Year have been applied in accordance with the provisions of this Order, whether any expenditures for Current Expenses were made in the preceding Fiscal Year in excess of the total amount provided for Current Expenses in the Annual Budget for such Fiscal Year, whether the Revenues, together with other available funds, for the preceding Fiscal Year have exceeded or were less than the total amount for such Fiscal Year referred to in Section 501, whether the City is in default in the performance of any of the covenants contained in Section 501 and whether it became aware of the occurrence of any other events of default and, if so, specifying same.

Such monthly reports and audit reports shall be open at all reasonable times to the inspection of the Holders of Bonds.

The City further covenants that it will cause any additional reports or audits relating to the Air Cargo Facilities to be made as required by law and that, as often as may be requested, it will furnish to the Local Government Commission and the Holder of any Bond issued hereunder such other information concerning the Air Cargo Facilities or the operation thereof as any of them may reasonably request.

The cost of the reports and audits referred to in this Section shall be treated as a Current Expense of the Air Cargo Facilities.

SECTION 712. Leases. The City may lease, as lessor, any part of the Air Cargo Facilities, or contract for the performance by others, of operations or services on or in connection with the Air Cargo Facilities or any part thereof, for any lawful purpose; provided, that

(a) each such lease or contract shall not be inconsistent with the provisions of this Order, and

(b) the City shall remain fully obligated and responsible under this Order to the same extent as if such lease or contract had not been executed.

SECTION 713. Covenant against Sale or Encumbrance and Exceptions thereto. The City covenants that, except as in this Section and Section 712 otherwise permitted, it will not sell, exchange or otherwise dispose of or encumber the Air Cargo Facilities or any part thereof.

The City may from time to time sell, exchange or otherwise dispose of any equipment, motor vehicles, machinery, fixtures, apparatus, tools, instruments or other movable property if it determines that such articles are no longer needed or are no longer useful in connection with the Air Cargo Facilities, and the proceeds thereof shall be applied to the replacement of the properties so sold, exchanged or disposed of or shall be deposited to the credit of the Revenue Fund, the Maintenance Reserve Fund or the Improvement Fund as the City may determine.

The Authority may from time to time sell, exchange or otherwise dispose of (but not lease except as permitted under Section 712) any other property of the Air Cargo Facilities if it determines by resolution

(a) that such property is no longer needed or is no longer useful in connection with the Air Cargo Facilities, or

(b) that the sale, exchange or other disposition thereof would not materially adversely affect the operating efficiency of, or materially reduce the Revenues to be derived from the operation and ownership of, the Air Cargo Facilities,

and the proceeds, if any, thereof shall be deposited to the credit of the Revenue Fund, the Maintenance Reserve Fund or the Improvement Fund as the City may determine.

The City may in any Fiscal Year sell, exchange or otherwise dispose of any real or personal property in accordance with the above provisions of this Section up to a maximum aggregate value of such property of \$100,000 based upon fair market value. The City may not so dispose of any property which has or, together with other property theretofore disposed of by the City in such Fiscal Year, would have a value or aggregate value, respectively, in excess of such maximum aggregate value without the written approval of an Appropriate Consultant of the determinations to be made by the City with respect to such disposition under the above provisions of this Section.

ARTICLE VIII.

REMEDIES.

SECTION 801. Extended Coupons. In case the time for the payment of any coupon or the interest on any registered Bond without coupons shall be extended, whether or not such extension be by or with the consent of the City, such coupon or such interest so extended shall not be entitled in case of default hereunder to the benefit or security of this Order except subject to the prior payment in full of the principal of all Bonds then Outstanding and of all coupons and interest the time for the payment of which shall not have been extended.

SECTION 802. Events of Default. Each of the following events is hereby declared an "event of default", that is to say: If

(a) payment of the principal or Redemption Price of any of the Bonds shall not be made when the same shall become due and payable, either at maturity or by proceedings for redemption or otherwise; or

(b) payment of any installment of interest on any of the Bonds shall not be made when the same shall become due and payable; or

(c) the City shall unreasonably delay or fail to carry on with reasonable dispatch or discontinue without reason for more than forty-five (45) days the construction of the Project or any Improvements for which Bonds shall be issued under the provisions of this Order; or

(d) the City shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

(e) any substantial part of the Air Cargo Facilities shall be destroyed or damaged to the extent of impairing its efficient operation or adversely affecting its Revenues and shall not be promptly repaired, replaced or reconstructed (whether such failure promptly to repair, replace or reconstruct the same be due to the impracticability of such repair, replacement or reconstruction or to lack of funds therefor or for any other reason); or

(f) final judgment for the payment of money shall be rendered against the City as a result of the ownership, control or operation of the Air Cargo Facilities and any such judgment shall not be discharged within sixty (60) days from the entry thereof or an appeal shall not be taken therefrom or from the order, decree or process upon which or pursuant to which such judgment shall have been granted or entered, in such manner as to stay the execution of or levy under such judgment, order, decree or process or the enforcement thereof; or

(g) an order or decree shall be entered, with the consent or acquiescence of the City, appointing a receiver or receivers of the Air Cargo Facilities or any part thereof or of the Revenues, or if such order or decree, having been entered without the consent or acquiescence of the City, shall not be vacated or discharged or stayed on appeal within sixty (60) days after the entry thereof; or

(h) any proceeding shall be instituted, with the consent or acquiescence of the City, for the purpose of effecting a composition between the City and its creditors or for the purpose of adjusting the claims of such creditors pursuant to any federal or State statute now or hereafter enacted, if the claims of such creditors are under any circumstances payable from the Revenues; or

(i) the City shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Order on the part of the City to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the City by the Holders of not less than twenty per centum (20%) in aggregate principal amount of the Bonds then Outstanding.

SECTION 803. Acceleration of Maturities. Upon the happening and continuance of any event of default specified in Section 802 of this Article, then and in every such case the Holders of not less than twenty per centum (20%) in aggregate principal amount of the Bonds then Outstanding

may, by a notice in writing to the City declare the principal of all of the Bonds then Outstanding (if not then due and payable) to be due and payable immediately, and upon such declaration the same shall become and be immediately due and payable, anything contained in the Bonds or this Order to the contrary notwithstanding; provided, however, that if at any time after the principal of the Bonds shall have been so declared to be due and payable, and before the entry of final judgment or decree in any suit, action or proceeding instituted on account of such default, or before the completion of the enforcement of any other remedy under this Order, moneys shall have accumulated in the Bond Service Fund sufficient to pay the principal of all matured Bonds and all arrears of interest, if any, upon all the Bonds then Outstanding (except the principal of any Bonds not then due and payable by their terms and the interest accrued on such Bonds since the last interest payment date) and sufficient to satisfy the Sinking Fund Requirement of the then current Bond Year, and all other amounts then payable by the City hereunder shall have been paid or a sum sufficient to pay the same shall have been deposited with the Paying Agents, and every other default in the observance or performance of any covenant, condition, agreement or provision contained in the Bonds or this Order (other than a default in the payment of the principal of such Bonds then due and payable only because of a declaration under this Section) shall have been remedied, then and in every such case the Holders of not less than twenty per centum (20%) in aggregate principal amount of the Bonds not then due and payable by their terms and then Outstanding shall, by written notice to the City, rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any right consequent thereon.

SECTION 804. Enforcement of Remedies. Upon the happening and continuance of any event of default specified in Section 802 of this Article, then and in every such case the Holders of not less than twenty per centum (20%) in aggregate principal amount of the Bonds then Outstanding hereunder may proceed to protect and enforce their rights under applicable law and under this Order by such suits, actions or special proceedings in equity or at law, or by proceedings in the office of any board or officer having jurisdiction, either for the specific performance of any covenant or agreement contained herein or in aid or execution of any power herein granted or for the enforcement of any proper legal or equitable remedy.

In the enforcement of any remedy under this Order the Holders of the Bonds shall be entitled to sue for, enforce payment of and receive any and all amounts then or during any default becoming, and at any time remaining, due from the City for principal, interest or otherwise under any of the provisions of this Order or of the Bonds and unpaid, with interest on overdue payments of principal at the rate or rates of interest specified in such Bonds, together with any and all costs and expenses of collection and of all proceedings hereunder and under such Bonds, without prejudice to any other right or remedy of the Holders of the Bonds, and to recover and enforce judgment or decree against the City, but solely as provided herein and in such Bonds, for any portion of such amounts remaining unpaid and interest, costs and expenses as above provided, and to collect (but solely from moneys in the funds and accounts pledged to secure the Bonds under the provisions of this Order and any other moneys available for such purpose) in any manner provided by law, the moneys adjudged or decreed to be payable.

SECTION 805. Pro Rata Application of Funds. Anything in this Order to the contrary notwithstanding, if at any time the moneys in the Bond Service Fund shall not be sufficient to pay the interest on or the principal of the Bonds as the same shall become due and payable (either by their terms or by acceleration of maturities under the provisions of Section 803 of this Article), such moneys, together with any moneys then available or thereafter becoming available for such purpose, whether through the exercise of the remedies provided for in this Article or otherwise, shall be applied as follows:

(a) If the principal of all the Bonds shall not have become or shall not have been declared due and payable, all such remaining moneys shall be applied

first: to the payment to the persons entitled thereto of all installments of interest on the Bonds then due and payable in the order in which such installments became due and payable and, if the amount available shall not be sufficient to pay in full any particular installment, then to the payment, ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds;

second: to the payment to the persons entitled thereto of the unpaid principal of any of the Bonds which shall have become due and payable (other than Bonds called for redemption for the payment of which moneys are held pursuant to the provisions of this Order), in the order of their due dates, with interest on the principal amount of such Bonds at the respective rates specified therein from the respective dates upon which such Bonds became due and payable, and, if the amount available shall not be sufficient to pay in full the principal of the Bonds due and payable on any particular date, together with such interest, then to the payment first of such interest, ratably, according to the amount of such interest due on such date, and then to the payment of such principal, ratably, according to the amount of such principal due on such date, to the persons entitled thereto without any discrimination or preference; and

third: to the payment of the interest on and the principal of the Bonds, to the purchase and retirement of Bonds and to the redemption of Bonds, all in accordance with the provisions of Article V of this Order.

(b) If the principal of all the Bonds shall have become or shall have been declared due and payable, all such remaining moneys shall be applied

first: to the payment to the persons entitled thereto of all installments of interest on the Bonds due and payable on or prior to maturity, if any, in the order in which such installments became due and payable and, if the amount available shall not be sufficient to pay in full any particular installment, then to the payment, ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds, and then to the payment of any interest due and payable after maturity on the Bonds, ratably, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds; and

second: to the payment of the principal of the Bonds, ratably, to the persons entitled thereto, without preference or priority of any Bond over any other Bond.

(c) If the principal of all the Bonds shall have been declared due and payable and if such declaration shall thereafter have been rescinded and annulled under the provisions of Section 803 of this Article, then, subject to the provisions of paragraph (b) of this Section in the event that the principal of all the Bonds shall later become due and payable or be declared due and payable, the moneys remaining in and thereafter accruing to the Bond Service Fund shall be applied in accordance with the provisions of paragraph (a) of this Section.

The provisions of paragraphs (a), (b) and (c) of this Section are in all respects subject to the provisions of Section 801 of this Article.

Whenever moneys are to be applied by the City pursuant to the provisions of this Section, such moneys shall be applied by the City at such times, and from time to time, as the City Finance Director in his sole discretion shall determine, having due regard to the amount of such moneys available for application and the likelihood of additional moneys becoming available for such application in the future; the deposit of such moneys with the Paying Agents, or otherwise setting aside such moneys, in trust for the proper purpose shall constitute proper application by the City; and the City shall incur no liability whatsoever to any Holder of Bonds or to any other person for any delay in applying any such moneys, so long as the City acts with reasonable diligence, having due regard to the circumstances, and ultimately applies the same in accordance with such provisions of this Order as may be applicable at the time of application. Whenever the City Finance Director shall exercise such discretion in applying such moneys, he shall fix the date (which shall be an interest payment date unless the City Finance Director shall deem another date more suitable) upon which such application is to be made and upon such date interest on the amounts of principal to be paid on such date shall cease to accrue. The City Finance Director shall give such notice as he may deem appropriate of the fixing of any such date and shall not be required to make payment to the Holder of any unpaid coupon or any Bond until such coupon or Bond and all unmatured coupons, if any,

appertaining to such Bond shall be surrendered to him for appropriate endorsement, or for cancellation if fully paid.

SECTION 806. Effect of Discontinuance of Proceedings. In case any proceeding taken by any Holder of Bonds on account of any default shall have been discontinued or abandoned for any reason, then and in every such case the City and the Holders of Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Holders of Bonds shall continue as though no such proceeding had been taken.

SECTION 807. Restrictions Upon Action by Holders of Bonds. No Holder of any of the Bonds hereby secured shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security of this Order, or to enforce any right herein except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the benefit of all Holders of such Bonds and coupons.

SECTION 808. No Remedy Exclusive. No remedy herein conferred upon or reserved to the Holders of Bonds is intended to be exclusive of any other remedy or remedies herein provided, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder.

SECTION 809. Delay Not a Waiver. No delay or omission of any Holder of Bonds to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein; and every power and remedy given by this Order to the Holders of the Bonds may be exercised from time to time and often as may be deemed expedient.

ARTICLE IX.

EXECUTION OF INSTRUMENTS BY HOLDERS OF BONDS
AND PROOF OF OWNERSHIP OF BONDS.

SECTION 901. Execution of Instruments by Holders of Bonds. Any request, direction, consent or other instrument in writing required or permitted by this Order to be signed or executed by Holders of Bonds may be in any number of concurrent instruments of similar tenor and may be signed or executed by such Holders of Bonds or their attorneys or legal representatives. Proof of the execution of any such instrument and of the ownership of Bonds shall be sufficient for any purpose of this Order and shall be conclusive in favor of the City with regard to any action taken by it under such instrument if made in the following manner:

(a) The fact and date of the execution by any person of any such instrument may be proved by the verification of any officer in any jurisdiction who, by the laws thereof, has power to take affidavits within such jurisdiction, to the effect that such instrument was subscribed and sworn to before him, or by an affidavit of a witness to such execution. Where such execution is by an officer of a corporation or association or a member of a partnership on behalf of such corporation, association or partnership such verification or affidavit shall also constitute sufficient proof of his authority.

(b) The fact of the holding of coupon Bonds hereunder by any Holder of Bonds and the amount and the numbers of such Bonds and the date of his holding the same (unless such Bonds be registered) may be proved by the affidavit of the person claiming to be such Holder, if such affidavit shall be deemed by the City Finance Director to be satisfactory, or by a certificate executed by any trust company, bank, banker or any other depository, wherever situated, if such certificate shall be deemed by the City Finance Director to be satisfactory, showing that at the date therein mentioned such person had on deposit with or exhibited to such trust company, bank, banker or other depository the Bonds described in such certificate.

The City Finance Director may conclusively assume that such ownership continues until written notice to the contrary is

served upon him. The ownership of coupon Bonds registered as to principal only and of registered Bonds without coupons shall be proved by the registration books kept under the provisions of Section 205 of this Order.

However, nothing contained in this Article shall be construed as limiting the City Finance Director to such proof, it being intended that the City Finance Director may accept any other evidence of the matters herein stated which he may deem sufficient. Any request or consent of the Holder of any Bond shall bind every future Holder of the same Bond in respect of anything done by the City in pursuance of such request or consent regardless of whether such future Holder shall have knowledge thereof.

Notwithstanding any of the foregoing provisions of this Section, the City Finance Director shall not be required to recognize any person as a Holder of any Bond or coupon or to take any action at his request unless such Bond or coupon shall be deposited with him.

ARTICLE X.

SUPPLEMENTAL ORDERS.

SECTION 1001. Adoption of Supplemental Orders by City Council. The City Council may, from time to time, adopt such orders supplemental hereto as shall not be inconsistent with the terms and provisions hereof and shall not adversely affect the interests of the Holders of the Bonds (which supplemental orders shall thereafter form a part hereof),

(a) to cure any ambiguity or formal defect or omission or to correct any inconsistent provisions in this Order or in any supplemental orders, or

(b) to grant to or confer upon the Holders of Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the Holders of Bonds, or

(c) to add to the conditions, limitations and restrictions on the issuance of Bonds under the provisions of this Order other conditions, limitations, and restrictions thereafter to be observed, or

(d) to add to the covenants and agreements of the City in this Order other covenants and agreements thereafter to be observed by the City or to surrender any right or power herein reserved to or conferred upon the City, or

(e) to permit the qualification of this Order under any Federal statute now or hereafter in effect or under any state blue sky law, and, in connection therewith, if the City so determines, to add to this Order or any supplemental order such other terms, conditions and provisions as may be permitted or required by such Federal statute or blue sky law.

At least thirty (30) days prior to the adoption of any supplemental order for any of the purposes of this section, the City Finance Director shall cause a notice of the proposed adoption of such supplemental order to be mailed, postage prepaid, to the Local Government Commission and each Holder of Record. Such notice shall briefly set forth the nature of the proposed supplemental order and shall state that copies thereof are on file at the office of

the City Finance Director for inspection by all Holders of Bonds. A failure on the part of the City Finance Director to mail the notice required by this Section shall not affect the validity of such supplemental order.

SECTION 1002. Modification of Order with Consent of Holders of Bonds. Subject to the terms and provisions contained in this Section, and not otherwise, the Holders of not less than fifty-one percent (51%) in aggregate principal amount of the Bonds then Outstanding shall have the right, from time to time, anything contained in this Order to the contrary notwithstanding, to consent to and approve the adoption by the City Council of such order or orders supplemental hereto as shall be deemed necessary or desirable by the City Council for the purpose of modifying, altering, amending, adding to or rescinding in any particular, any of the terms or provisions contained in this Order or in any supplemental order; provided, however, that nothing herein contained shall permit, or be construed as permitting, (a) an extension of the maturity of the principal of or the interest on any Bond issued hereunder, or (b) a reduction in the principal amount or Redemption Price of any Bond or rate of interest on any Bond or any Sinking Fund Requirement on account of any Bonds, or (c) the creation of a lien upon or a pledge of Revenues other than the lien and pledge created by this Order, or (d) a preference or priority of any Bond or Bonds over any other Bond or Bonds, or (e) a reduction in the aggregate principal amount of the Bonds required for consent to such supplemental order. Nothing herein contained, however, shall be construed as making necessary the approval by Holders of Bonds of the adoption of any supplemental order as authorized in Section 1001 of this Article.

After any such supplemental order shall have been proposed for adoption by the City Council, the City Finance Director shall cause notice of the proposed adoption of such supplemental order to be published once in each week for four (4) successive weeks in a Daily Newspaper of general circulation published in the City of Charlotte, North Carolina, and in a Daily Newspaper of general circulation or a financial journal published in the Borough of Manhattan, City and State of New York, and, on or before the date of the first publication of such notice, the City Finance Director shall also cause a similar notice to be mailed, postage prepaid, to each Holder of Record. Such notice

shall briefly set forth the nature of the proposed supplemental order and shall state that copies thereof are on file at the office of the City Finance Director for inspection by all Holders of Bonds. The City Finance Director shall not, however, be subject to any liability to any Holder of Bonds by reason of his failure to mail the notice required by this Section, and any such failure shall not affect the validity of such supplemental order when consented to and approved as provided in this Section.

Whenever, at any time within one year after the date of the first publication of such notice, the City shall deliver to the City Finance Director an instrument or instruments in writing purporting to be executed by the Holders of not less than fifty-one percent (51%) in aggregate principal amount of the Bonds then Outstanding, which instrument or instruments shall refer to the proposed supplemental order described in such notice and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice, thereupon, but not otherwise, the City Council may adopt in substantially such form, without liability or responsibility to any Holder of any Bond, whether or not such Holder shall have consented thereto.

If the Holders of not less than fifty-one percent (51%) in aggregate principal amount of the Bonds Outstanding at the time of the adoption of such supplemental order shall have consented to and approved the adoption thereof as herein provided, no Holder of any Bond shall have any right to object to the adoption of such supplemental order, or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City from adopting the same or from taking any action pursuant to the provisions thereof.

Upon the adoption of any supplemental order pursuant to the provisions of this Section, this Order shall be and be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this Order of the City and all Holders of Bonds then Outstanding shall thereafter be determined, exercised and enforced in all respects under the provisions of this Order as so modified and amended.

SECTION 1003. Supplemental Order Part of Order. Any supplemental order adopted in accordance with the provisions of this Article shall thereafter form a part of this Order, and all of the terms and conditions contained in any such supplemental order as to any provision authorized to be contained therein shall be and shall be deemed to be part of the terms and conditions of this Order for any and all purposes. In case of the adoption of any supplemental order, express reference may be made thereto in the text of any Bonds issued thereafter, if deemed necessary or desirable by the City.

ARTICLE XI.

DEFEASANCE.

SECTION 1101. Repeal of Order. If, when the Bonds secured hereby shall have become due and payable in accordance with their terms or otherwise as provided in this Order or shall have been duly called for redemption or irrevocable instructions to call the Bonds for redemption or to pay the Bonds at their respective maturities shall have been given by the City Council to the City Finance Director and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds and coupons then Outstanding shall be paid or sufficient moneys, or Government Obligations the principal of and the interest on which when due and payable will provide sufficient moneys, shall be held by a bank or trust company as escrow agent or the Paying Agents for such purpose under the provisions of this Order, and provision shall also be made for paying all other sums payable hereunder by the City, then and in that case the right title and interest of the Holders of Bonds and the obligations of the City hereunder shall thereupon cease, determine and become void, and the City Council shall repeal this Order and may apply any surplus in any account in the Bond Service Fund and all balances remaining in any other funds or accounts other than moneys held for the redemption or payment of Bonds or coupons to any lawful purpose of the City; otherwise this Order shall be, continue and remain in full force and effect; provided however, that in the event Government Obligations shall be deposited with and held by the escrow agent or the Paying Agents as hereinabove provided, (a) in addition to the requirements set forth in Article III of this Order, the City Finance Director shall within thirty (30) days after such Government Obligations shall have been deposited with the escrow agent or the Paying Agents cause a notice to be published once in a Daily Newspaper of general circulation published in the City of Charlotte, North Carolina, and in a Daily Newspaper of general circulation or a financial journal published in the Borough of Manhattan, City and State of New York, setting forth (i) the date or dates designated for the redemption or payment of the Bonds, (ii) a description of the Government Obligations so held by the escrow agent or the Paying Agents and (iii) that this Order has been repealed in accordance

with the provisions of this Section, and (b) the City shall nevertheless retain such rights, powers and privileges under this Order as may be necessary and convenient in respect of the Bonds for the payment of the principal, interest and any premium for which such Government Obligations have been deposited.

All moneys and obligations held by the escrow agent or the Paying Agents pursuant to this Section shall be held in trust and the principal and interest of said obligations when received, and said moneys, applied to the payment, when due, of the principal and the interest and the premium, if any, of the Bonds so called for redemption.

ARTICLE XII.

MISCELLANEOUS PROVISIONS.

SECTION 1201. Successorship of City. All of the covenants, stipulations, obligations and agreements contained in this Order by or in behalf of or for the benefit of the City shall bind or inure to the benefit of the successor or successors of the City from time to time and any officer, board, commission, authority, agency or instrumentality to whom or to which any power or duty affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law, and the word "City" as used in this Order shall include such successor or successors.

SECTION 1202. Successorship of Paying Agents. Any bank or trust company with or into which any Paying Agent may be merged or consolidated, or to which the assets and business or such Paying Agent may be sold, shall be deemed the successor of such Paying Agent for the purposes of this Order. If the position of the Paying Agent shall become vacant for any reason, the City shall, within thirty (30) days thereafter, appoint a bank or trust company located in the same city as the Paying Agent to fill such vacancy; provided, however, that if the City shall fail to appoint such Paying Agent within said period, the Holders of Bonds may petition any court of competent jurisdiction to make such appointment.

SECTION 1203. Manner of Giving Notice. Any notice, demand, direction, request or other instrument authorized or required by this Order to be given to or filed with the City or the Local Government Commission shall be deemed to have been sufficiently given or filed for all purposes of this Order if and when sent by registered mail, return receipt requested:

to the City, if addressed to the City Finance Director, Cameron Brown Building, Charlotte, North Carolina 28202; and

to the Local Government Commission, if addressed to the Secretary, Local Government Commission, Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina 27611.

All documents received by the City under the provisions of this Order, or photostatic copies thereof, shall be retained in its possession, subject at all reasonable times to the inspection of any Holder of Bonds.

SECTION 1204. Substitute Publication. If, because of the temporary or permanent suspension of publication of any newspaper or financial journal or for any other reason, the City Finance Director shall be unable to publish in a newspaper or financial journal any notice required to be published by the provisions of this Order, the City Finance Director shall give such notice in such other manner as in his judgment shall most effectively approximate such publication thereof, and the giving of such notice in such manner shall for all purposes of this Order be deemed to be compliance with the requirement for the publication thereof.

SECTION 1205. City and Holders of Bonds Alone Have Rights Under Order. Except as herein otherwise expressly provided, nothing in this Order expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and the Holders of the Bonds issued under and secured by this Order any right, remedy or claim, legal or equitable, under or by reason of this Order or any provision hereof, this Order and all its provisions being intended to be and being for the sole and exclusive benefit of the City and the Holders from time to time of the Bonds issued hereunder.

SECTION 1206. Effect of Partial Invalidity. In case any one or more of the provisions of this Order or of the Bonds or coupons issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Order or of said Bonds or coupons, but this Order and said Bonds and coupons shall be construed and enforced as if such illegal or invalid provision had not been contained therein. In case any covenant, stipulation, obligation or agreement contained in the Bonds or in this Order shall for any reason be held to be in violation of law, then such covenant, stipulation, obligation or agreement shall be deemed to be the covenant, stipulation, obligation or agreement of the City to the full extent permitted by law.

SECTION 1207. Effect of Covenants. All covenants, stipulations, obligations and agreements of the City contained in this Order shall be deemed to be covenants,

stipulations, obligations and agreements of the City to the full extent authorized by the Enabling Act and permitted by the Constitution of the State of North Carolina. No covenant, stipulation, obligation or agreement contained herein shall be deemed to be a covenant, stipulation, obligation or agreement of any present or future officer, employee or agent of the City in his individual capacity, and neither the members of the City Council nor any officer of the City executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No member of the City Council, officer, employee or agent of the City shall incur any personal liability in acting or proceeding or in not acting or not proceeding, in good faith, reasonably and in accordance with the terms of this Order and the Enabling Act. This Order is executed with the intent that the laws of the State of North Carolina shall govern its construction.

SECTION 1208. Headings Not Part of Order. Any headings preceding the texts of the several articles hereof, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Order, nor shall they affect its meaning, construction or effect.

SECTION 1209. Application to Local Government Commission. The City hereby requests the Local Government Commission to sell the Series A Bonds at private sale and without advertisement in accordance with the provisions of Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina.

SECTION 1210. Order Effective. This Order shall take effect immediately upon its passage.

Thereupon Councilmember Selden moved the passage of the foregoing order, and Councilmember Locke seconded the motion and said order was adopted by the following vote:

Ayes: Councilmembers Berryhill, Carroll, Chafin, Cox, Dannelly, Frech, Leeper, Locke, Selden, Spaugh and Trosch.

Noes: None.

Thereupon Councilmember Selden introduced the following resolution which was read by title:

RESOLUTION AUTHORIZING THE ISSUANCE
OF \$5,500,000 AIR CARGO FACILITIES
REVENUE BOND ANTICIPATION NOTES OF
THE CITY OF CHARLOTTE, NORTH CAROLINA
AND APPROVING THE AWARD OF SAID NOTES

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina:

Section 1. The City Council of the City of Charlotte, North Carolina (the "City Council") has found and determined and does hereby declare that:

(a) Under the Constitution and laws of the State of North Carolina, particularly The Local Government Revenue Bond Act, being Article 5 of Chapter 159 of the General Statutes of North Carolina, as amended, the City is authorized (i) to acquire, construct, reconstruct, extend, improve, maintain, better and operate revenue bond projects, which include aeronautical facilities, including but not limited to airports, terminals and hangars; (ii) to borrow money for the purpose of acquiring, constructing, reconstructing, extending, bettering, improving or otherwise paying the

cost of revenue bond projects and to issue its revenue bonds or bond anticipation notes therefor; and (iii) to pledge to the payment of such bonds or notes and interest thereon revenues from one or more revenue bond projects, including revenues from improvements, betterments or extensions to such projects thereafter constructed or acquired as well as the revenues from existing systems, plants, works, instrumentalities and properties of the projects to be improved, bettered or extended.

(b) The City Council has today adopted an order entitled "AN ORDER AUTHORIZING THE CONSTRUCTION OF AIR CARGO FACILITIES AT DOUGLAS MUNICIPAL AIRPORT IN THE CITY OF CHARLOTTE, NORTH CAROLINA; AUTHORIZING THE ISSUANCE, UNDER THE PROVISIONS OF SECTIONS 159-80 TO 159-97, INCLUSIVE, OF THE GENERAL STATUTES OF NORTH CAROLINA, OF NOT EXCEEDING \$5,500,000 AIR CARGO FACILITIES REVENUE BONDS OF THE CITY, PAYABLE SOLELY FROM CERTAIN REVENUES, RESERVES AND OTHER MONEYS TO PROVIDE FUNDS FOR PAYING THE COST OF AIR CARGO FACILITIES OR ANY ADDITIONAL IMPROVEMENTS AND REVENUE REFUNDING BONDS OF THE CITY; PROVIDING THAT NEITHER THE FAITH AND CREDIT NOR TAXING POWER OF THE STATE OF NORTH CAROLINA OR THE CITY OF CHARLOTTE IS PLEDGED TO THE PAYMENT OF THE BONDS ISSUED UNDER THIS ORDER; PROVIDING FOR THE COLLECTION OF RATES, FEES AND CHARGES FOR THE USE OF THE SERVICES AND FACILITIES OF THE AIR CARGO FACILITIES AND FOR THE CREATION OF CERTAIN SPECIAL FUNDS; MAKING AVAILABLE FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AND ANY ADDITIONAL BONDS CERTAIN

REVENUES OF THE AIR CARGO FACILITIES AND CERTAIN RESERVES AND OTHER MONEYS OF THE CITY; AND SETTING FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH BONDS" for the purpose of financing the Project (as defined in the Bond Order).

(c) Under the provisions of the Local Government Revenue Bond Act, as amended, and Article 9, as amended, of Chapter 159 of the General Statutes of North Carolina (said Act, as amended, and said Article 9, as amended, being hereinafter sometimes collectively called the "Enabling Act"), the City is authorized to issue revenue bond anticipation notes in anticipation of the issuance by the City and receipt of the proceeds of the sale of the Series A Bonds under the provisions of Section 208 of the Bond Order for the purpose of providing funds, with any other available funds, for paying the cost of the Project, including reimbursement of the City for expenses incurred in connection therewith, and (ii) paying other expenses incidental thereto.

(d) None of the Series A Bonds has been issued under the provisions of the Bond Order and no notes have heretofore been issued in anticipation of the receipt of the proceeds of the Series A Bonds.

(e) The proceeds of the revenue bond anticipation notes authorized by Section 2 of this resolution will be sufficient, together with other funds that are or will be available, to pay the cost of the Project and other expenses related thereto.

Section 2. For the purpose of providing funds, with any other available funds, for paying the cost of the Project and other expenses related thereto, there shall be issued revenue bond anticipation notes of the City in the aggregate principal amount of Five Million Five Hundred Thousand Dollars (\$5,500,000) in anticipation of the issuance and receipt of the proceeds of the Series A Bonds. The principal of and the interest on said revenue bond anticipation notes shall be payable solely from the proceeds of the Series A Bonds or, in the event the proceeds of the Series A Bonds are not available and such principal and interest are not otherwise paid, from any available Net Revenues, as defined in the Bond Order, subject to the rights of the holders of certain outstanding general obligation bonds of the City. Said revenue bond anticipation notes (hereinafter sometimes called the "Notes") shall be designated "Air Cargo Facilities Revenue Bond Anticipation Notes, Series A", shall be dated March 28, 1980, shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) on March 28, 1985, shall consist of six Notes, one in the denomination of \$500,000, numbered 1, and five in the denomination of \$1,000,000 each, numbered 2 to 6, inclusive. The Notes shall bear interest from their date to the date of payment thereof at the rate of 6.98% per annum, which interest shall be payable on September 28, 1980 and semiannually thereafter on March 28

and September 28 in each year and calculated upon the basis of a 360-day year. Both the principal of and interest on the Notes are payable at the principal office of North Carolina National Bank, in the City of Charlotte, North Carolina, in any coin or currency of the United States of America which on the respective dates of payment thereof is legal tender for the payment of public and private debts. Payment of the interest on the Notes to the maturity thereof will be made only upon presentation of the coupons representing such interest as the same become due and payable. The principal of the Notes is payable upon the presentation and surrender thereof.

The Notes may be redeemed, at the option of the City, at any time prior to the maturity thereof, not earlier than March 28, 1983, either in whole or in part, from any moneys that may be made available for such purpose, at the principal amount to be redeemed, together with the interest accrued thereon to the date fixed for redemption, plus a premium of 1% if redeemed on or prior to March 27, 1984 and 1/2 of 1% if redeemed thereafter.

At least thirty (30) days before the redemption date of any Notes the City Finance Director shall cause a notice of such redemption, signed by the City Finance Director to be published once in a daily newspaper of general circulation published in the City of Charlotte, North Carolina, and to be filed with the paying agent. Each such notice shall set forth the date fixed for redemption, the redemption price to be paid

and the place at which payment shall be made.

On the date so designated, notice having been given in the manner herein provided and moneys for payment of the redemption price being held at the place at which the Notes and the interest thereon shall be payable or being otherwise held in trust for such purpose, the Notes or any parts thereof so called for redemption shall become and be due and payable and any interest on the Notes or any part thereof so called for redemption shall cease to accrue.

Section 3. The Notes shall be signed by the Mayor and the City Clerk, the corporate seal of the City shall be impressed on the Notes and the coupons appertaining to the Notes shall bear the facsimile signature of the City Clerk. If any officer whose signature shall appear on the Notes or on such coupons shall cease to be such officer before the delivery of the Notes, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery.

Section 4. The Notes, the endorsement to be made upon the reverse thereof and the coupons shall be in substantially the following forms:

No. _____

\$ _____

United States of America
State of North Carolina
County of Mecklenburg

CITY OF CHARLOTTE

Air Cargo Facilities Revenue Bond
Anticipation Note

The City of Charlotte, a municipal corporation in the County of Mecklenburg, North Carolina, is justly indebted and for value received hereby promises to pay, solely from the proceeds of the sale of the Air Cargo Facilities Revenue Bonds, Series A of said City (the "Series A Bonds") which may hereafter be issued by said City under the provisions of a bond order adopted by the City Council of said City on March 24, 1980 (the "Bond Order"), or from any other funds available to said City for such purpose (as hereinafter described), to the bearer, on the 28th day of March, 1985 (or earlier as hereinafter referred to), the principal sum of

_____ DOLLARS

and to pay, from any funds available to said City for such purpose, interest thereon from the date hereof at the rate of six and ninety-eight hundredths per centum (6.98%) per annum, such interest being payable on September 28, 1980 and semi-annually thereafter on March 28 and September 28 in each year, until payment of said principal sum. Both the principal of and the interest on this note are payable at the principal office of North Carolina National Bank, in the City of Charlotte, North Carolina, in any coin or currency of the United States of America which on the respective dates of payment thereof

is legal tender for the payment of public and private debts. Payment of the interest on this note to the maturity hereof will be made only upon presentation and surrender of the coupons representing such interest as the same become due and payable. The principal of this note is payable upon the presentation and surrender hereof at the principal office of North Carolina National Bank, in the City of Charlotte, North Carolina.

This note may be redeemed, at the option of the City, at any time prior to the maturity thereof, not earlier than March 28, 1983, either in whole or in part, from any moneys that may be made available for such purpose, at the principal amount to be redeemed, together with the interest accrued thereon to the date fixed for redemption, plus a premium of 1% if redeemed on or prior to March 27, 1984, and 1/2 of 1% if redeemed thereafter.

At least thirty (30) days before the redemption date of the notes the City Finance Director shall cause a Notice of such redemption, either in whole or in part, signed by the City Finance Director, to be published once in a daily newspaper of general circulation published in the City of Charlotte, North Carolina, and to be filed with the paying agent.

On the date so designated, notice having been given in the manner herein provided and moneys for payment of the redemption price being held at the place at which this note and the interest thereon shall be payable or being otherwise held in trust for such purpose, this note or any part thereof

so called for redemption shall become and be due and payable and any interest on this note or any part thereof so called for redemption shall cease to accrue.

This note is a duly authorized note of said City issued for the purpose of providing funds, with any other available funds, for paying the cost of the Project, as defined in the Bond Order, and other expenses related thereto.

This note is a special obligation of said City. The principal of and the interest on this note shall not be payable from the general funds of said City nor shall this note constitute a legal or equitable pledge, charge, lien or encumbrance upon any of the property of said City or upon any of its income, receipts or revenues, except the proceeds of the Series A Bonds in anticipation of the receipt of which this note has been issued and any other funds available to said City for the payment thereof, including the Net Revenues of the Air Cargo Facilities (subject to the prior claim of certain outstanding general obligation bonds of said City). Neither the credit nor the taxing power of said City is pledged for the payment of the principal of or the interest on this note.

This note is issued under and pursuant to a resolution duly adopted by said City Council on March 24, 1980, to which resolution reference is hereby made for the terms and conditions under which this note is issued, and by the acceptance of this note the holder hereof assents to all of the provisions of said resolution.

This note is issued and said resolution was passed under and pursuant to the Constitution and laws of the State of North Carolina, including The Local Government Revenue Bond Act, as amended, and Article 9 of Chapter 159 of the General Statutes of North Carolina, as amended.

This note is issued with the intent that the laws of the State of North Carolina shall govern its construction.

All acts, conditions and things required by the Constitution and laws of the State of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed as so required.

IN WITNESS WHEREOF, said City of Charlotte, pursuant to resolution of its City Council, has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of said City to be impressed hereon, and the attached interest coupons to bear the facsimile signature of said City Clerk, all as of the 28th day of March, 1980.

Mayor

City Clerk

[Form of Coupons]

No. _____ \$ _____

On _____, 28, 19__, the City of Charlotte, a municipal corporation of the State of North Carolina will pay to the bearer (unless the note mentioned below shall previously have become payable as provided in the resolution referred to in said note and provision for payment thereof shall have been duly made) at the principal office of North Carolina National Bank, in the City of Charlotte, North Carolina, upon presentation and surrender hereof, the sum of \$ _____ Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, solely from the sources referred to in, and for the interest then due upon, its Air Cargo Facilities Revenue Bond Anticipation Note, dated March 28, 1980, No. _____.

[Facsimile signature]
City Clerk

[To be endorsed upon reverse of notes]

Local Government Commission
Serial No. _____

The issuance of this note has been approved under the provisions of The Local Government Revenue Bond Act, as

amended, and Article 9 of Chapter 159 of the General Statutes of North Carolina, as amended.

John D. Foust
Secretary, Local Government Commission

By _____
Designated Assistant

Section 5. The award by the Local Government Commission of the Notes to North Carolina National Bank, in the City of Charlotte, North Carolina, at private sale and without advertisement in accordance with G.S. §159-123, at the price of par, bearing interest at the rate of six and ninety-eight hundredths per centum (6.98%), upon the terms and conditions set forth in Section 2 of this resolution is hereby approved, ratified and confirmed.

Section 6. Simultaneously with the delivery of the Notes, the City, after setting aside an amount sufficient to pay the costs of issuance of the Notes, shall deposit said proceeds to the credit of a special construction account created with a depository bank of the City's choosing for application to the construction of the Project, including reimbursement of the City for any amounts expended by it for such purpose.

Section 7. In case any of the Notes shall become mutilated or be destroyed or lost, the City shall cause to be executed new Notes of like date and tenor in exchange and substitution for and upon the cancellation of such mutilated

Notes or in lieu of and in substitution for such Notes destroyed or lost, upon the holder's paying the reasonable expenses and charges of the City in connection therewith and, if any of the Notes are destroyed or lost, its filing with the City evidence satisfactory to the City that the Notes were destroyed or lost, and of its ownership thereof, and furnishing the City with indemnity satisfactory to the City and the Local Government Commission of North Carolina.

Section 8. The City covenants that it will undertake punctually all steps required to issue and deliver the Series A Bonds in an amount sufficient, together with other moneys that the City may elect to apply to such purpose, to pay the principal of the Notes as the same becomes due and that it will use its best efforts to issue and deliver the Series A Bonds at or prior to the date of maturity of the Notes in the event the Notes are not paid from other sources. The City further covenants that it will not, without the written consent of the holders of the Notes, issue any bonds under the Bond Order, other than the Series A Bonds, so long as the Notes are outstanding.

Section 9. All covenants, stipulations, obligations and agreements of the City contained in the Notes and this resolution shall be deemed to be covenants, stipulations, obligations and agreements of the City with the registered owner of the Notes to the full extent authorized

by the Enabling Act and permitted by the Constitution and laws of the State of North Carolina. No covenant, stipulation, obligation or agreement contained in the Notes or this resolution shall be deemed to be a covenant, stipulation, obligation or agreement of any present or future officer, employee or agent of the City in his individual capacity. Neither any member of the City Council nor any officer of the City shall be subject to any personal liability or accountability by reason of the issuance and sale of the Notes.

Section 10. The officers, agents and employees of the City are hereby authorized and directed to do all acts and things required of them by the provisions of this resolution and the Notes for the full, punctual and complete performance of the terms, covenants, provisions and agreements contained in this resolution and the Notes.

Section 11. This resolution shall take effect immediately upon its passage.

Upon motion of Councilmember Selden,
seconded by Councilmember Dannelly, the foregoing
resolution entitled:

"RESOLUTION AUTHORIZING THE ISSUANCE
OF \$5,500,000 AIR CARGO FACILITIES
REVENUE BOND ANTICIPATION NOTES OF THE
CITY OF CHARLOTTE, NORTH CAROLINA AND
APPROVING THE AWARD OF SAID NOTES"

was passed by the following vote:

Ayes: Councilmembers Berryhill, Carroll, Chafin, Cox,
Dannelly, Frech, Leeper, Locke, Selden Spaugh and Trosch .

Noes: None .

* * * * *

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is an accurate copy of so much of the recorded proceedings of the City Council of said City at a meeting held on March 24, 1980 as relates to the adoption of a resolution amending a resolution authorizing and securing \$4,000,000 Airport Revenue Bonds, Series A of said City, the adoption of an order authorizing the issuance of \$5,500,000 Air Cargo Facilities Revenue Bonds, Series A of said City and the adoption of a resolution authorizing the issuance of \$5,500,000 Air Cargo Facilities Revenue Bond Anticipation Notes and approving the award of said notes and that said proceedings have been recorded in Book No. 73 of the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held on Monday of each week, with the first meeting of the month being held at various places in the City designated by the City Council at 7:30 P.M.,

the meeting on the third Monday of each month being held at 6:00 P.M. in the Board of Education Center, and the meetings on all other Mondays being held at 3:00 P.M., at the City Hall, in Charlotte, North Carolina, has been on file in my office pursuant to G.S. §143-318.8 as of a date not less than seven days before said meeting.

WITNESS my hand and the corporate seal of said City, this 28th day of March, 1980.



City Clerk

[SEAL]

A RESOLUTION AUTHORIZING THE
REFUND OF CERTAIN TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector collected taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers made demand in writing for refund of the amounts set out on the schedule within eight years from the date the amounts were due to be paid.
3. The amounts listed on the schedule were collected through clerical error or by a tax illegally levied and assessed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 24th day of March, 1980, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:


City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of the resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of March, 1980, the reference having been made in Minutes Book 73, and recorded in full in Resolutions Book 15, pages 436 - 438.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of March, 1980

Ruth Armstrong, City Clerk

TAXPAYERS AND REFUNDS REQUESTED

<u>NAME</u>	<u>AMOUNT OF REFUND REQUESTED</u>	<u>REASON</u>
Arrowood Cafeteria, Inc.	\$ 30.00	Illegal Levy
Lillian F. Fitzgerald	34.94	Illegal Levy
Kenneth Gerald Gray	27.72	Illegal Levy
Wilbur George Phillips & wife	66.00	Illegal Levy
Bonnie C. Register	28.82	Illegal Levy
Automotive Rentals	41.80	Illegal Levy
Browning Ferris Industries	1,300.06	Illegal Levy
Enterprise Leasing Corp.	86.02	Illegal Levy
First Union National Bank Consumer Leasing Dept.	728.61	Illegal Levy
Presidential Motor Inn of Charlotte Inc. et al	1,848.18	Illegal Levy
Kenneth McKinley Davis	47.19	Illegal Levy
Charles Smith Co.	29.67	Illegal Levy
Goodyear Tire & Rubber Co.	23.53	Illegal Levy
Edward Stokes	65.31	Illegal Levy
Presidential Motor Inn of Charlotte Inc.	1,848.18	Illegal Levy
Presidential Motor Inn of Charlotte Inc.	1,848.18	Illegal Levy
	<hr/>	
	\$8,054.21	

A RESOLUTION AUTHORIZING THE CITY OF CHARLOTTE TO ACCEPT FOR MAINTENANCE CERTAIN STREETS LOCATED IN THE AREAS TO BE ANNEXED TO THE CITY OF CHARLOTTE ON JUNE 30, 1980.

WHEREAS, the City of Charlotte has petitioned the North Carolina Department of Transportation to abandon all of the streets shown on the attached list which are located in the areas to be annexed to the City on June 30, 1980; and

WHEREAS, subject to the Department of Transportation's abandonment, all of the streets named should be accepted for maintenance by the City in accordance with the statement of services to be performed as set out in the official annexation plan reports for each of the annexed areas.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regular meeting of March 24, 1980 that subject to their abandonment by the Department of Transportation, the City shall accept the streets shown on the attached list for maintenance responsibility effective June 30, 1980.

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of the resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of March, 1980, the reference having been made in the minutes, and recorded in full in Resolutions Book 15, beginning at page 439.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of March, 1980.

Ruth Armstrong, City Clerk

A RESOLUTION AUTHORIZING THE CITY OF CHARLOTTE TO ACCEPT FOR MAINTENANCE ON JUNE 30, 1980 CERTAIN STREETS LOCATED WITHIN THE CITY OF CHARLOTTE.

WHEREAS, the City of Charlotte has petitioned the North Carolina Department of Transportation to abandon all of the streets shown on the attached list which are located within the City and are carrying predominately local traffic; and

WHEREAS, subject to the Department of Transportation's abandonment, all of the streets named should be accepted for maintenance by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regular meeting of March 24, 1980 that subject to their abandonment by the Department of Transportation, the City shall accept the streets shown on the attached list for maintenance responsibility effective June 30, 1980.

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the foregoing is a true and exact copy of the resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of March, 1980, the reference having been made in the minutes, and recorded in full in Resolutions Book 15, beginning at page 440.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of March, 1980.

Ruth Armstrong, City Clerk

RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE PORTIONS OF DIVISION STREET LOCATED (1) BETWEEN THE LOT LINES OF MR. & MRS. FRED HALL AND MR. & MRS. E. W. CAPRIGAN OF ATTABERRY DRIVE AND MRS. J. G. CHAPMAN AND MR. T. C. JOYCE OF GEORGIA AVENUE (2) BETWEEN THE LOT LINES OF MR. T. P. LAWNING AND MRS. MINNIE B. MARTIN OF GEORGIA AVENUE AND MRS. DOROTHY CERTAIN AND MR. & MRS. DANIEL SHINN OF FLORIDA AVENUE (3) BETWEEN THE LOT LINES OF MR. HARRY RICHARDSON AND MR. COY HILL OF FLORIDA AVENUE (4) BETWEEN THE LOT LINES OF MRS. J. S. EDWARDS AND MR. & MRS. VERNON PARKER OF FORT STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

WHEREAS, a petition has been filed to close portions of Division Street in the City of Charlotte; and

WHEREAS, the portions of Division Street petitioned to be closed lies between Attaberry Drive and Fort Street, as same is shown on maps marked "Exhibit A-1" through Exhibit A-4", and is more particularly described by metes and bounds in a document marked "Exhibit B", both of which are available for inspection in the Office of the City Clerk, City Hall, Charlotte, North Carolina.

WHEREAS, the procedure for closing streets and alleys as outlined in North Carolina General Statutes, Section 160A-299, requires that Council first adopt a resolution declaring its intent to close the street and calling a public hearing on the question; said Statute further requires that the resolution shall be published once a week for four successive weeks prior to the hearing, and a copy thereof be sent by registered or certified mail to all owners of property adjoining the street as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along said street; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled session of Monday, March 24, 1980, that it intends to close that portions of Division Street lying between Attaberry Drive and Fort Street, said portions of Division Street being more particularly described on a map and by a metes and bounds description available for inspection in the City Clerk's Office, and hereby calls a public hearing on the question to be held at 3:00 p.m., on Monday, the 28th day of April, 1980, at City Hall. The City Clerk is hereby directed to publish a copy of this resolution in Mecklenburg Times once a week for four successive weeks next preceding the date fixed here for such hearing, as required by N. C. G. S. 160A-299, and further, the petitioners are directed to send by registered or certified mail a copy of this resolution to all owners of property adjoining the said street as shown on the county tax records. The petitioners are also directed to prominently post a notice of the closing and public hearing in at least two places along aforesaid portions of Division Street.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of March, 1980, the reference having been made in Minute Book 73, and recorded in full in Resolution Book 15, page 441.

Ruth Armstrong, City Clerk